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REGULATORY CHAOS

Internecine conflict, turf battles, naked influence peddling by lobbyists and lawyers, overlapping jurisdictions, lack of clarity on structure and mission, inter-ministerial warfare have virtually paralysed the governmental regulatory machine

SHAILAJA CHANDRA HILARIOUS ACCOUNT OF HOW DISTRICT OFFICIALS REACTED TO AN IAS MEMSAHIB p24

Historic Decision of Haryana Government

Old Age Allowance Increased from Rs.300 to Rs.700

To respect our elders is our social and moral duty. Such values are deeply embedded in our culture and tradition. Old Age Allowance is aimed at upholding the dignity of our senior citizens.

Bhupinder Singh Hooda
Chief Minister, Haryana

- Those persons who have been getting Old Age Allowance from last ten years, to get Rs.700/- per month as Old Age Allowance.
- The amount of Old Age Allowance has been increased from Rs.300/- to Rs.500/-. There would be an annual increase of Rs.50/- per year in this and it would be reviewed every 4 years.
- A survey would be conducted every year to include fresh beneficiaries.
- A provision of Rs.501/- has also been made for giving shawls to women and 'pagri' and 'dogga' to men.

IPRDH/Samvad

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Charanjit Kaur | HR

CONTACT DETAILS/ADVERTISING & MARKETING
118, 2ND FLOOR, DDA SITE 1,
NEW RAJINDER NAGAR, NEW DELHI – 110 060
TEL/FAX: +91-11-28744789, +91-11-45082832,
+91-9911110385
e-mail: gfilesindia@gmail.com
www.gfilesindia.com

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From the Editor-in-Chief

OUR April cover story deals with an issue central to the development of a healthy and robust economy that spreads the benefits of growth as equitably and fairly as possible in the imperfect sphere of human governance. Veteran journalist Naresh Minocha hits the nail right on the head when he argues that the Indian government must wake up "to the need to overcome regulatory challenges to improve the competitiveness of the Indian economy and to realize its dream of breaking the 10 per cent annual economic growth barrier".

The term "regulation" conjures up different images. To most big businessmen it means "control". To diehard socialists it means public ownership of the means of production. To factory managers it means putting arbitrary limits and quotas on production. To traders it means setting up barriers against the interstate movement of farm produce and goods, and so on. But in its 20th century liberal context it was defined in the political avatar of US President Franklin D. Roosevelt's New Deal that battled the Great Depression by institutionalizing a series of social goals along with checks and balances to rein in the depredations of runaway market capitalism.

The once popularly-held concept that "the government of business is not the business of government" was jettisoned when it became apparent that unbridled market capitalism, while creating wealth and stock market bulls in the short term, also created oligarchies, monopolies, falling production and safety standards, unsafe goods and drugs, market deception through false advertising, brakes on new technologies and scientific breakthroughs, neglect of last mile connectivity, plundering of natural resources, banking fraud, and stock market crashes that could wreck economies overnight.

Regulation is not an argument against free market entrepreneurship, enterprise or private capital. It is an essential mechanism that reinforces faith in the system of individual enterprise as the most powerful way of generating wealth in an atmosphere of freedom. Without the Federal Trade Commission, the Federal Communications Commission, the Food and Drug Administration, the Securities and Exchange Commission, the Environmental Protection Agency, the Equal Employment Opportunity Commission, the Merit Systems Protection Board, to name only a few regulatory agencies in the US, the American marketplace would cease to exist. It would become a chaotic scenario of human greed, substandard pharmaceuticals, unbridled stock market manipulation and insider trading, pandemonium in broadcast frequency and telephony spectrums, deforestation, environmental pollution, and the unprotected consumer.

The role of regulatory agencies in the US, purportedly the freest world economy, is worthy of emulation, especially in countries like India where the shackles of government monopolies that admittedly acted as a barrier to initiative and entrepreneurship and innovation are being broken. The Indian government must awaken to playing a completely new role to propel the nation into economic freedom: the role of referee, protector of investors, policeman against unfair trade practices, guardian of the environment, guarantor of a level playing field, catalyst for breakthrough technologies, and bulwark against the destruction of civic life and amenities by real estate and building companies.

In 1997, the UK issued five principles of good regulation: proportionality, accountability, consistency, transparency and targeting. India faces regulatory woes of gargantuan proportions. The regulatory bodies are running around like headless chickens. Minocha's story is a wakeup call. Listen or perish.

INDERJIT BADHWAR

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LETTERS

LETTERS: I loved the cover story on accountable performance. Such performance contracts will progressively bring in a results-based culture in the way folks in government do things and when this is institutionalized it will be a far cry from today's obsession with sticking to rules and process.

Clearly, what gets evaluated and measured will have a higher probability of getting done. I suspect that often, because goals and critical success factors are not explicitly set ahead of time, folks could "hide behind" amorphous changing agenda. By explicitly defining key Result Areas, and officers agreeing to them, they will be responsible and accountable for they signed up in the first place.

I wholeheartedly support such innovations in government practice in India and hope that this becomes a part and parcel of how bureaucrats govern.

Sameer Jain, on blog

A reward of up to 40 per cent of salary is fine but what about punishment for failures, for want of trying or even deliberate (where rewards may be far more than 40 per cent). Seems like another recipe for a pay hike – like the pay comissions – unless an implementable system of punishment is also devised and implemented.

Sarvesh Sharma, on blog

I noted the gist of the article: This nation lags woefully behind the rest of the developed world because the huge bureaucracy that governs this land of over one billion people has continued to bloat without giving any concrete measurable results. These are changes that could impact every man, woman, and child in this country by freeing the bureaucracy from the stranglehold of political vested interests.

This is the advent of a bold new world in which the civil servant and his political boss will be bound to national objectives and performance yardsticks by what is virtually a performance contract with the nation. Thanking you for enlightening me.

KS Vinod Kumar, on blog

I am reading *gfiles* in Singapore. It does not matter where I am, I read it and find it very interesting, including the slow but appreciable changes you are introducing in content. This issue (March 2010) is particularly rich.

West Bengal is going to be a battleground where either the communists will be buried, or they will be forced to come up with new agenda.

Arun Bhattacharjee, via email

The article on Prasar Bharati's reconstitution of the board was an excellent piece of work. It is a very informative magazine.

Sweetuu Mehta, on blog

Unless we improve the quality of politicians sitting in Parliament and the Assemblies, things will not improve. They will deteriorate further.

We need nearly 5,000 honest, patriotic Indians (out of 125 crore) to man Parliament, the Assemblies, courts, media and important posts in government. The rest will fall in line.

JP Shah, on blog

gfiles has quite rich content on contemporary topics. Wishing the magazine growth in its popularity day in and day out.

SP Shukla, on blog

This is to inform you about an error in Tracking (February 2010), in which Vivek Saxena was designated as an IAS officer. He is an IFS officer currently Director, IFS cadre in MOEF.

Dr R Gopinath, IFS(p), via email

The error is regretted — Editor.

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RAPIDLY SPREAD

The economic reforms process has gone horribly wrong. Independent regulators have b

1 The aviation sector is hobbled by three regulators – Directorate General of Civil Aviation (DGCA), Bureau of Civil Aviation Security (BCAS) and the nascent Airport Economic Regulatory Authority of India (AERA).

2 Fertilizers, chemicals, cement, constructi on regulators though the idea of having a se been in the works for years. Proposals have no

by **Naresh Minocha**

INTERNECINE conflict, turf battles, naked influence peddling by lobbyists and lawyers, overlapping jurisdictions, lack of clarity on structure and mission, and inter-ministerial warfare have virtually paralysed the governmental regulatory machine.

Regulations – as distinct from economic control – are an essential watchdog mechanism in a free market system designed to ensure level playing fields in different sectors, prevention of monopolistic controls, distribution of national resources among competing users, consumer protection, encouragement of fair trade practices and pricing policies.

The hallmark of economic liberalization is simplicity of regulations and delegation of powers to regulate to autonomous entities labelled "commission", "regulator", "regulatory authority", and so on. *(See box)*

Sadly, the Union Government has been unable to distinguish between its functions of policy formulation, regulation and service provider. Even as macro, sector-specific and segment-specific regulators proliferate across the economic and social spectrum, the government has failed to conceptualize and define the role of the independent regulator.

In many cases, independent regulators have been created after implementation of liberalization policies. There have also been instances of sector-specific policies and regulations being framed after grant of approvals to the early birds among corporates! A case in point of the cart being placed ahead of the horse is the exploration and extraction of coal bed methane from coal mines.

The absence of policy and regulatory clarity has created territorial battles that ultimately land at the altar of the High

ING ROT

ve been crippled by turf battles, egoistic bureaucrats and power-hungry ministers.

REUTERS

icti on industries operate without independent a separate authority for each sector has ave not moved beyond the draft Bill stage.

3 The government should set up a unified energy regulator to unleash the benefits of integration and competition. It is currently busy spawning sector- and segment-specific regulators in oil and gas, power.

Courts and the Supreme Court. In this scenario, regulators often engage in internecine warfare waged in the media or in the courts. It is not uncommon to see regulators seeking the parent Ministry's intervention when they clash. Routinely, aggrieved companies drag regulators before the concerned appellate authority. In addition, regulators also seem to take a sadistic delight in challenging the appellate authority before the High Court.

The government appears unprepared to deal with the rapidly spreading rot in the regulators' arena, notwithstanding the recommendations from the Second Administrative Reforms Commission (ARC).

The absence of policy and regulatory clarity has contributed to the turf battles that ultimately land at the altar of the High Courts and the Supreme Court.

In its 13th report submitted in April 2009, the ARC recommended: "Setting up of a Regulator should be preceded by a detailed review to decide whether the policy regime in the concerned sector is such that a Regulator would be better placed to deliver the policy objectives of the department concerned."

The ARC observed: "There is also an increasing perception that a number of regulators are being set up on an ad-hoc basis by different ministries, sometimes with overlapping jurisdictions leading to lack of coordination and issues of turf. The fact that different regulators have

been set up with varying terms of appointment, tenure etc. is also a reflection of this."

The regulatory chaos has as a consequence benefited lawyers, consultants and non-government organizations (NGOs). The super-beneficiaries are, of course, the companies that smoothly manage and manipulate the rules of the games through these three intermediaries as well as through the time-tested lobbying with the Ministries.

Politician-Bureaucrat Nexus

This unholy alliance has ensured that the lion's share of the posts of chairman and members of regulatory authorities go to retiring bureaucrats. The nexus pre-disposes the bureaucracy to engineer proliferation of as many regulators as possible. This helps ensure cushy post-retirement jobs for its chieftains.

There are several ways in which Ministers and bureaucrats are trying to clip the wings of the regulators, rendering them toothless. For example, the Ministry of Petroleum and Natural Gas (MOPNG) is hell-bent on curtailing the functions of the Petroleum & Natural Gas Regulatory Board (PNGRB) and reducing it to a toothless entity.

The Ministry of Shipping and Transport asserts its primacy by issuing diktats to independent regulator Tariff Authority for Major Ports (TAMP). Other ministries such as the Ministry of Communication and Information Technology simply ignore or cleverly bypass road-maps offered by regulators or drag their feet over their recommendations.

The Railways Ministry has been resisting for a decade the Government's proposal to set up an independent railways regulator. And ministerial overlords have been interminably blowing hot or cold on proposals for establishing a regulator for the steel sector.

PIB

PM with team: radical surgery is required to improve the competitiveness of the Indian economy through efficient regulators

Several sectors such as fertilizers and chemicals, cement, and the construction industry continue to operate without independent regulators though the idea of having separate authorities for each sector has been in the works for years. Some proposals such as that for the National Biotechnology Regulatory Authority have not moved beyond the draft Bill stage.

Like the Railways, the road transport sector is bereft of an autonomous regulator as are other segments of infrastructure services such as water and sewerage systems. (The water sector will, however, witness the States forming independent water regulatory authorities to avail of their share of the Rs 5,000-crore grant for water reforms recommended by the 13th Finance Commission.)

The Aviation Mess

This sector demonstrates the urgency for radical surgery in the area of regulation. The aviation segment already has three regulators – old work horse Directorate General of Civil Aviation (DGCA), Bureau of Civil Aviation Security (BCAS) and the nascent Airport Economic Regulatory Authority of India (AERA).

At the government's behest, DGCA has been exploring prospects of setting up another regulator – Civil Aviation Authority (CAA) to perform administrative functions. (BCAS was itself carved out of DGCA in the mid-1980s.) DGCA identifies itself as an attached office of the Ministry of Civil Aviation, whereas BCAS considers itself the regulatory authority for civil aviation security. AERA, which was incorporated in May 2009, is going through teething troubles. It does not even have a website.

In the last quarter of 2009, it was scouting for a consultancy company to facilitate its organizational structuring

Had the government shown concern for all stakeholders and the national exchequer, it would have opted for a single regulator for the aviation sector.

सेल SAIL
MSRDC
The Country Trusts
SAIL Steel
SAIL has supplied over 14000 metric tonnes of steel for the Worli-Bandra Sea link

Since its inception SAIL has significantly contributed in the development of all major infrastructure in the country. SAIL steel has been and presently is being used in several projects of national importance. A few are listed below:

Chandrayaan - SAIL supplied steel for tanks used to store liquid propellant in the Reaction Control System package of the Polar Satellite Launch Vehicle (PSLV) which carried the Chandrayaan-1 satellite into space.

Mumbai Airport - M/s GMR has entrusted the job of modernisation of Mumbai Airport to Pratibha Pipes & Structurals Pvt. Ltd. who have completed a major portion of the job using Plates and SAIL TMT.

Shivalik – Specially toughened warship grade SAIL steel was used in the **Shivalik**, the first Indian warship to be made with Indian steel.

J&K Railway Line - This 340-km-long railway line will join the Kashmir valley with the Indian Railways network. The project area falls in seismic zone-V. SAIL steel is being used because of its reliability and durability.

Power Projects - SAIL is supplying various steel products, for major thermal and hydro power projects such as Barh, Chandrapur, Mejia, Dadri, Anjjar, Simhadri, Lower Subansiri etc. It is primarily supplying plates, SAIL TMT bars and structurals among other products.

Worli-Bandra Sea link - Promoted by Maharashtra State Road Development Corporation, this link connects the island city of Mumbai with its western suburbs.

SAIL has supplied over 14000 metric tonnes of steel for this project.

Delhi Metro - Delhi Metro has become the pride of nation's capital within a very short time. SAIL is proud to be a contributor in making of this metro-marvel.

Tsunami Rehabilitation Social Infrastructure Project - SAIL supplied light structurals, SAIL JYOTI GP/GC sheets, SAIL TMT, PM Plates and HSM Plates for this rehabilitation project undertaken at Andaman & Nicobar Islands.

Irrigation Development - SAIL has provided various sizes and grades of steel for several irrigation projects across the country such as Tapi, Indirasagar, Rajivsagar, among others.

Steel Plants - Most upcoming green-field and brown-field steel plants are depending on SAIL steel for their construction.

Windmills - Suzlon, a renowned name in windmills, is using SAIL steel for setting up wind-mills in Maharashtra and other regions in India. Plate mill plates in sizes varying from 10 to 40 mm are being used for the wind-mills.

Defence – SAIL is meeting the high quality steel requirements of the Indian defence including that for Aircraft carriers, submarines, etc.

Railways

Hydro Power

Defence (Warship)

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and functioning. The consultant's mandate, however, is too broad and envisages hand-holding for several years. AERA would not have felt the need for hand-holding if the government had prepared a standard toolkit for setting up a regulatory authority.

The regulators' dependence on consultancy right from birth to maturity is a common feature of India's so-called independent regulatory mechanism. As economic reforms have gained momentum, the job of framing economic policies and regulations has been shifting from the government to consultants. They also draft the Bills.

THE regulators and ministries only modify the consultants' prescriptions depending on the pulls and pressures from various stakeholders. Many consultants and NGOs have overt or covert financial relations with players that operate in a particular sector.

How AERA should fix tariffs had already been specified in a consultant-prepared document relating to privatization of Delhi airport much before the privatized entity was created! Take a look at the State Support Agreement (SSA) which the Government of India (GOI) signed with Delhi International Airport Private Limited (DIAL) on April 26, 2006.

This agreement states: "GOI further confirms that, subject to applicable law, it shall make reasonable endeavors to procure that the Economic Regulatory Authority shall regulate and set/ re-set Aeronautical Charges, in accordance with the broad principles set out in Schedule 1 appended hereto."

Headlined "Principles of Tariff Fixation", Schedule I lists 10 principles, the first being the incentive-based principle. Schedule I states: "AERA will accept the Master Plan and Major Development Plans as reviewed and commented by the GOI and will not seek to question or change the approach to development if it is consistent with these plans. However, the AERA would have the right to assess the efficiency with which capital expenditure is undertaken."

The government further marginalized the role of AERA by allowing privatized and private airports to charge user development fees (UDF) to finance their projects!

UDF is imposed on hapless flyers in addition to passenger service fees (PSF), which is higher at private airports as compared to Airports Authority of India (AAI) airports.

The government has belatedly sought to rationalize its decision to let private players charge UDF by allowing AAI to charge UDF at Jaipur airport with effect from January 1, 2010.

Thus, AERA's role as an independent regulator was compromised even before

The basics: types of regulator

THE concept of independent regulation is an integral part of governance reforms. The transformation requires formulation of simple and minimum regulations and decentralization of regulatory powers.

Decentralization helps the government focus on policy formulation and macro issues. It also helps the government attract talent from the market for regulatory functions as well as improve transparency in the decision-making process.

Statutory independent regulators are crucial for the success of liberalization policies in areas where there is a conflict of interest between the government as a policy-maker as well as a provider of both products and services. Private investors demand setting up of autonomous regulators in areas that have hitherto been the exclusive preserve of the government or its public sector undertakings.

The obvious examples include telecommunications services, railways and insurance. In the manufacturing sector, the government has presence in diverse sectors such as steel and fertilizers.

There are many types of regulators. Some were created just before the start of eco-

The regulatory chaos has thus benefited lawyers and consultants. The super-beneficiaries are, of course, the companies that smoothly manage and manipulate the rules of the games through these intermediaries as well as through the time-tested lobbying with the ministries.

nomic reforms in 1991, whereas others have existed from an earlier period. The degree of autonomy enjoyed by regulators depends on their enabling legislation and notification of the provisions under the relevant regulatory law.

All regulators are directly answerable to the government, which can give them written orders on any issue. Regulators can be broadly grouped into three categories – macro, sector- and application- or activity-specific. The first category includes the Reserve Bank of India, National Biodiversity Authority, Competition Commission of India and Directorate General of Foreign Trade.

The sector-specific category consists of regulators like the Telecom Regulatory Authority of India. Even within a sector such as telecommunications, there are two or more regulators. Thus, the Department of Telecom's Wireless Planning & Coordination Wing (WPC) serves as National Radio Regulatory Authority. Similarly, DOT's Telecommunications Engineering Centre (TEC) is a regulator for technical standards.

In the application- or activity-specific category, there are pricing and safety regulators. Examples include National Pharmaceuticals Pricing Authority, Oil Industry Safety Directorate (OISD) and Petroleum and Explosives Safety Organization (PESO).

the hapless agency was born. It was faced not with a mission but with a *fait accompli*! Had the government shown concern for all stakeholders, including the public and the national exchequer, it would have opted for a single regulator for the entire aviation sector. The US has the awe-inspiring entity, the Federal Aviation Administration (FAA). Similarly, the UK has one unified regulator. Even several developing countries have only one aviation regulator.

India has the dubious distinction of neither having a unified aviation policy nor a unified regulator. The government owes an explanation to the public as to why it did not set up a single regulator, CAA, as provided for in the draft Civil Aviation Policy 2000.

"It is a matter of concern that India still awaits a comprehensive civil aviation policy and as a consequence, the Civil Aviation Act," said the DGCA review committee in April 2006.

The Financial Sector Imbroglio

The need for an independent regulator in the financial segment of the economy is acute. The Reserve Bank of India (RBI) is a key regulator. Other major regulators in the sector are the Securities and Exchange Board of India (SEBI), Insurance Regulatory and Development Authority (IRDA), and Pension Regulatory and Development Authority (PRDA).

The under-currents of tension between these financial regulators surfaced as a major conflagration recently. It manifested itself as a media war between IRDA and SEBI over regulation of unit-linked insurance policies (ULIPS).

In order to address regulatory issues the Planning Commission constituted a committee on financial sector reforms last year and recommended setting up a statutory Financial Sector Oversight Agency (FSOA). In its report titled "A Hundred Small Steps", the committee said FSOA "will initiate balanced supervisory action by the concerned regulators to address those risks; it will address and defuse inter-regulatory conflicts."

The proposed agency would comprise the chiefs of all financial regulatory bodies and be chaired by the senior-most regulator. Instead of acting on this recommendation, the Finance Ministry came up with a rival proposal: establishing a Financial Stability and Development Council. *(see "The FSDC tangle", page 14)*

In his recent Budget speech, Finance Minister Pranab Mukherjee said: "Without prejudice to the autonomy of regulators, this Council would monitor macro prudential supervision of the economy, including the functioning of large financial conglomerates, and address inter-regulatory coordination issues. It will also focus on financial literacy and financial inclusion."

The financial press was abuzz with reports that the proposed council would be chaired by the Finance Minister. If that happens, it would make a mockery of the arm's-length relationship between the government and independent regulators. It would be the ultimate conflict of interest in a system crying out for checks and balances.

The emerging situation would be like the tale of the monkey resolving a fight between two cats over a loaf of bread.

This is, however, not to belittle the urgency for coordination among regulators across all sectors that often overlap. The necessity is best illustrated by the Forward Markets Commission (FMC), which is perhaps the second oldest economic regulator after RBI.

Set up in 1953, FMC and SEBI share a common regulatory responsibility regarding derivatives trading and forward contracts due to overlapping of

securities and commodities derivatives markets.

There has been talk of merger of FMC with SEBI but different committees have given varying opinions on convergence of securities and commodities markets and of regulations.

THAT FMC is keen to maintain its identity and protect its turf became evident from the fact that last year it filed a suit in Bombay High Court challenging the jurisdiction of the Central Electricity Regulatory Commission (CERC) over forward contracts in the power trading arena. And on October 27, 2009, it issued a press note, declaring power trading on Power Exchange of India Ltd (PXIL) as illegal as the latter is not registered with the former.

FMC said: "In terms of the provisions of the Forward Contracts (Regulation) Act, 1952, such contracts in electricity would be Non-Transferable Specific Delivery (NTSD) contracts. These are forward contracts and can be traded only in accordance with the provisions of the FC(R) Act."

Under the Electricity Act, power trading and transmission across the country is regulated by the Central Electricity Regulatory Commission (CERC) and within the States by the concerned state electricity regulator.

Upset with FMC's sabre-rattling, CERC issued two advisories to the Union Power Ministry in November 2009 and February 2010, suggesting legal reforms relating to power trading.

In addition, there is imminent risk of clash between macro regulator Competition Commission of India (CCI) and the sector-specific regulators over issues of mergers, market malpractices by dominant players or by oligopolies.

4 The Forward Markets Commission has filed a suit in Bombay High Court challenging the jurisdiction of Central Electricity Regulatory Commission over forward contracts in the power trading arena.

The Need For A New Vision

The government has to move beyond fire-fighting and adopt a proactive, visionary stance. For instance, it should set up a unified Energy Regulator to unleash the benefits of integration and competition in energy markets. It is currently busy spawning sector and segment-specific regulators in oil and gas, power, coal, nuclear and renewable energy.

India's policymakers are yet to awaken to the need to overcome all such challenges to improve the competitiveness of the Indian economy and to realize its dream of breaking the 10 per cent annual economic growth barrier.

The government can perhaps take a cue from the UK. Faced with regulatory woes, it constituted a group named "The Better Regulatory Task Force" in September 1997 to help the government ensure that regulation and its enforcement are aligned with the five principles of good regulation. These are: proportionality, accountability, consistency, transparency and targeting.

Apart from the generic roadmap for proposed regulators, the government ought to discover the synergies and divergence amongst regulators, and the underlying legal conflicts, and accordingly undertake major restructuring of regulators including unification of a few regulators and appellate authorities.

India ought to set up an empowered commission to prepare a model legal framework for independent regulators, standard procedures, conflict resolution and creation of synergies. The Comptroller and Auditor General should be advised to prepare an annual performance benchmarking report on all regulators.

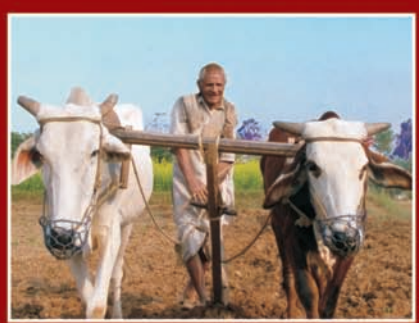
Such an initiative would help the government minimize regulatory clashes, improve governance, advance investor and consumer confidence and lighten the burden on the national exchequer. g

Tensions between the financial regulators turned into a media war between IRDA and SEBI over regulation of unit-linked insurance policies (ULIPs).

Farmers' Interests - Top Priority

Sh. Bhupinder Singh Hooda
Chief Minister, Haryana

Increase In Rate Of Compensation For Land Acquisition A Pro-Farmer Decision



Compensation and Royalty On Land Acquisition

- Minimum floor rate of Rs. 15 lakh per acre as compensation for land acquisition for urban areas falling under Gurgaon Development Plan has been enhanced to Rs. 20 lakh per acre. Minimum floor rate of Rs. 16 lakh per acre has been fixed in place of earlier Rs. 12.5 lakh per acre for sub-urban areas of Haryana under NCR, Panchkula and Chandigarh periphery whereas for rest of areas of Haryana a rate of Rs. 8 lakh per acre has been fixed in place of earlier Rs. 5 lakh per acre.
- For those farmers of the State whose land has been acquired by Haryana State Industrial Infrastructure Development Corporation after March 5, 2005, the State Government has decided to provide a compensation of Rs. 15,000 per acre on per year basis for 33 years in the form of Royalty besides giving them fixed compensation. The same would be increased by a fixed sum of Rs. 500 per year.
- In case of land acquired to set up an SEZ, Technology Cities and Technology Parks, the annuity would be at the rate of Rs. 30,000 per acre for 33 years to be paid by the developers. The annuity would be increased by Rs. 1000 per year.

IPRDH

The FSDC Tangle

by **GS Sood**

THE questions regarding the setting up of the Financial Stability and Development Council (FSDC) have been unending since the day Finance Minister Pranab Mukherjee announced in his Budget Speech 2010-11 the setting up of such a body, which will be responsible for financial stability and also deal with issues and disputes between financial regulators.

Sources within North Block say that the Finance Minister will head FSDC, which is to be a purely advisory body. Mukherjee did well to clarify that FSDC will not act in any manner prejudicial to the autonomy of the current set of regulators. FSDC may bring down the curtains on HLCC (High-Level Coordination Committee) created in 1999 as a regulatory mechanism after the Harshad Mehta stock market scam was unearthed.

Attempts to appoint an advisory regulatory body have been under serious consideration for the last three years. The non-statutory nature of HLCC, a committee of the financial sector regulators, prevented a consensus from emerging on a new roll-out plan.

North Block sources disclose that the draft paper is likely to propose that FSDC's decisions be binding on all regulators and coordination between them under the aegis of HLCC should become a part of the new structure. What HLCC could not do due to a lack of regulatory teeth, FSDC, with the Finance Minister as Chairman, will be able to manage.

As per the proposed structure, FSDC will be multi-layered. The council's members will include the heads of financial regulatory organizations such as RBI, SEBI, IRDA, and PFRDA. In addition, the Finance Secretary and chief economic adviser of the Ministry of Finance will also be members of this council.

PIB

Mukherjee: will the move boomerang on him?

The council will have two committees working under it, namely the Financial Sector Regulatory Co-ordination Committee (FSRCC) and Financial Sector Reforms and Stability Committee (FSRSC).

The composition of FSRCC, proposed to be headed by the RBI governor, will be similar to that of the High-Level Committee on Capital Markets. That, in effect, means that all the regulators will be its members. The second committee, FSRSC, will be headed by the Finance Secretary and all the regulators will be its members other than the RBI Governor. The Deputy Governor of the RBI will be a member. The Finance Minister has been advised to establish a permanent secretariat for FSDC.

One school of thought has suggested to Mukherjee that FSDC must obtain statutory status through an Act of Parliament. *gfiles* has learned that an internal note to this effect has already moved.

One apprehension in North Block is that these recommendations would, in fact, make the Finance Ministry and its babus the superbosses of SEBI, IRDA, RBI, and PFRDA. This would circumvent the power of the independent regula-

Ills afflicting the Indian capital markets

- No depth in the market as top 100 stocks make up 92 per cent of volume compared to over 6000+ listed stocks.
- Poor reach of the market as 10 cities contribute to 90 per cent of the volume. High operating costs especially impact costs across length and breadth of the market.
- Of the total daily turnover of Rs 1,00,000 crore on NSE, 70 per cent is F&O and 70 per cent of it is in Nifty index alone.
- Of the total 16,000 contracts in futures and options, only 80 to 90 contracts (0.0001 per cent) trade on any given day which makes the exchange very speculative.
- Only about 6 lakh unique client IDs trade on NSE, accounting for just 0.8 per cent of the population.
- No product innovation and low real capital formation happening as more than 90

- Will the Financial Stability and Development Council (FSDC) avert Harshad Mehta-type scams?
- Will FSDC be able to resolve issues like the ULIP one between SEBI and IRDA?
- Who will head FSDC, the Minister or a bureaucrat?
- Do we really need FSDC for India?
- Will the FSDC emerge as the superboss of the current financial regulators?

tors who are usually the first point of contact with financial entities during any crisis. Now they would make a beeline directly to the Finance Ministry. North Block Doubting Thomases are concerned that this move would emasculate the effectiveness of independent financial regulators.

Sources reveal there is already a race among the top officials of the Finance Ministry for the post of Chief Executive of FSDC. Whether a Secretary-level official will head this prestigious body or a Joint Secretary-level officer will be appointed to call the shots is being debated in the Finance Ministry.

Surprisingly, according to sources, the council and two committees will be convened by a person of the rank of Joint Secretary or Additional Secretary who will also set the agenda for the FSRCC and FSRSC.

Being the common Secretary of all the three bodies, such a person would enjoy consummate proximity to the Finance Minister and would also deal with all the regulators. This would create an independent power centre within the Finance Ministry with clout rivalling all the existing Secretaries in the Ministry. The Secretary of FSDC would have the entire financial system at his or her beck and call.

FSDC has become a power game. The bureaucrats in the Ministry would love to shift the centre of gravity of power away from the regulators to the Ministry.

THE paradox is that no one is really talking about the real issue of what the council will do in terms of contributing to understanding of probable risks that may radiate from either the domestic or global financial system in the future.

FSDC seems to have become a power game between the bureaucrats in the Ministry and those in the regulatory agencies. The bureaucrats in the ministry would love to shift the centre of gravity of power away from the regulators to the Ministry.

Despite all Mukherjee's good intentions, FSDC would end up becoming a draconian superboss, given the games bureaucrats play especially when the Minister is as busy and burdened as is the Finance Minister.

Independent analysts believe that the Finance Minister needs to maintain an arm's length from such bodies and depute some senior person of eminence, perhaps a retired bureaucrat or economist, to head FSDC rather than heading it himself. Otherwise, he would have to bear the onus and blame directly for every minor issue that erupts in the financial markets. The step could boomerang on the Finance Minister unless he displays great caution. g

per cent of the trading is cash-settled.

- Out of the 1000-odd brokers at NSE, 25 are reported to be doing more than 50 per cent of the trading volume, a substantial amount of which comes from proprietary trading.
- Nothing significant done to promote investment culture in securities in rural and semi-urban areas with products to suit the risk appetites of risk-averse households.
- Nothing constructive done to list more companies other than those migrated from BSE and Regional Exchanges.
- Nothing achieved to promote capital raising and trading in the shares of SME companies which is a very critical sector from the point of view of employment as well as economic development.
- No development of the bond market.
- No effective method for borrowing and lending of securities.

Modi finds a pal in Bachchan

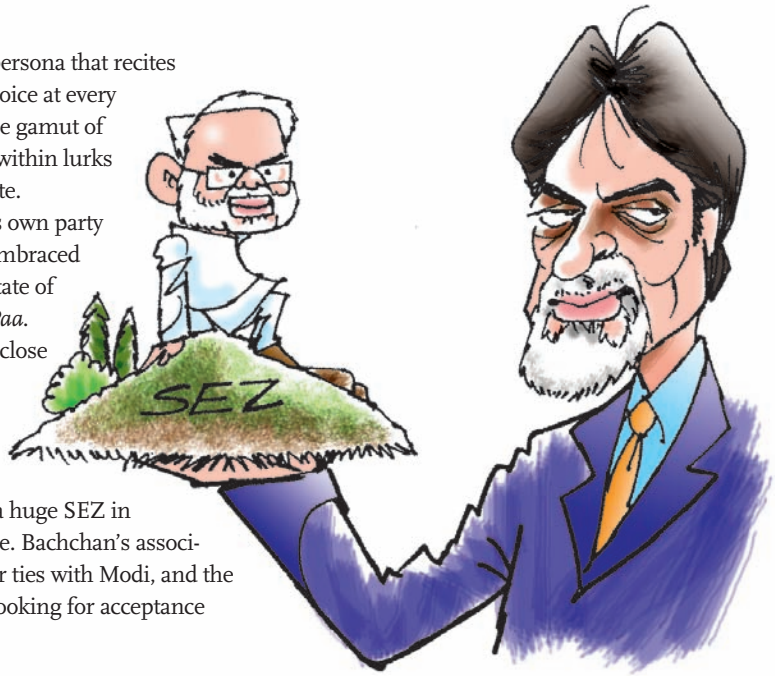
actor's gujarati dalliance

WHO is the real Amitabh Bachchan? Not just the persona that recites his Babuji's *Madhushala* in his gifted, sonorous voice at every function. Not just an accomplished actor portraying the gamut of human nature. He is a shrewd actor indeed and deep within lurks a politician, who lost out years ago to the vagaries of fate.

While the nation shunned Narendra Modi – and his own party was wary of his double-edged appeal – the Big B has embraced him. And not because of any love for the man or the state of Gujarat or with an eye on tax exemption for his film, *Paa*.

The Bollywood star is engaged in rehabilitating two close friends who had steered him out of financial trouble some years ago.

Bachchan has not charged for lending his name to the Gujarat government. Sources in Jalsa reveal that Bachchan and his two associates propose to apply for a huge SEZ in Gujarat. This has reportedly been agreed to in principle. Bachchan's associates had been looking for an opportunity to mend their ties with Modi, and the actor struck the right note. It suits Modi, too, as he is looking for acceptance in the mainstream.



Petty politics in Congress

general secretaries' moves

THERE is one General Secretary in the Congress who is outspoken on policy matters. When Satyavrata Chaturvedi criticized Agriculture Minister Sharad Pawar on the price rise of foodgrains, party workers were gladdened but Pawar and his coterie took it up with the Congress. And Janardan Dwivedi, another Brahmin and General Secretary, lost no time in settling scores with Chaturvedi. He announced that Chaturvedi had been removed as spokesperson of the party for criticizing Pawar.

The fact is that those at 24 Akbar Road, Congress headquarters, know that many moons ago Mukul Wasnik and Chaturvedi refused to work as spokespersons under Dwivedi. The latter has never disclosed anything of import to the media, being confined to issuing the formal press release.

So Chaturvedi is unperturbed by Dwivedi's move as he has direct access to 10 Janpath. But Dwivedi fails to gauge the vibes emanating from the palace.

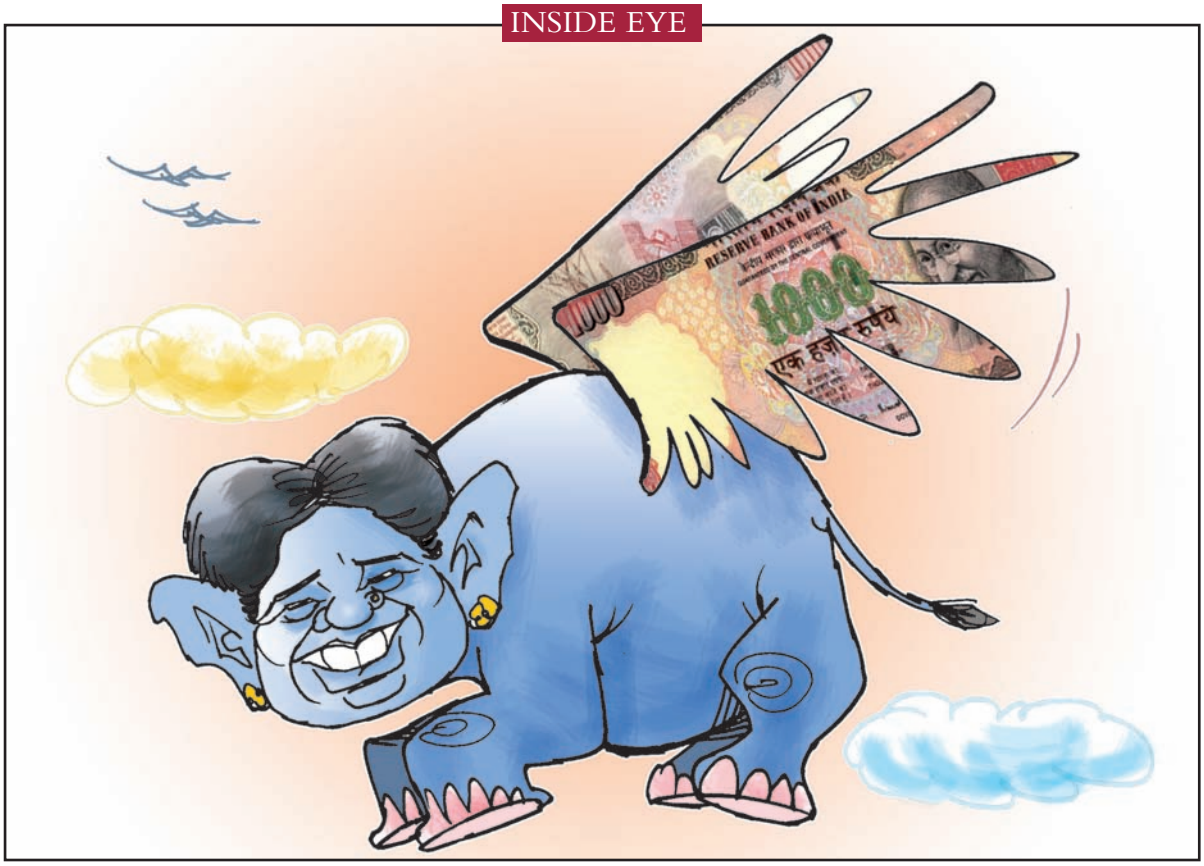
Aiyar's rocking again

may become minister

MANI Shankar Aiyar is back with a bang. His nomination to the Rajya Sabha by the President of India has shown the thumb to the power coterie around Prime Minister Manmohan Singh, whose members are Mani haters. He is likely to be appointed Minister with a significant portfolio.

More important, his splendid entry into the pavilion is an indication that the Congress leadership is restituting its authority on the government. If Congress insiders are to be believed, there is little harmony between the Prime Minister's Office and the party. Congress leaders are open about their aversion to Manmohan's Americanomics.

It appears that Captain Satish Sharma is also likely to be rehabilitat-



ILLUSTRATIONS: ARUNA

ed. Are PC and Montek picking up the strains of music emanating from 10 Janpath?

Patel plans and plots

air india merger on the anvil

PRAFUL Patel is unstoppable. Even 10 Janpath is powerless as far as the Ministry of Civil Aviation is concerned. After duping the nation of Rs 5000 crore and paving the way for a similar sum to be whittled away in the next five years, he has become a despot whom none dares question. Civil Aviation Ministry sources say his latest move is to merge Air India and all Indian Airlines outfits and wind up Air India's international flights. A secret meeting has already taken place in Bangalore with the private operators who will directly benefit from this. Ministry officials are apprehensive as mainly two airlines stand to benefit. But, as long as Patel has one important connection in the right place in the government, he will zoom ahead. g

GIVING BACK T

Public sector companies in India largely regard the cond

by **Prabhat Kumar**

PUBLIC sector companies are distinguished from their private corporate sector counterparts by their pursuit of social goal. The private sector is solely guided by the interests of its direct stakeholders, but the public sector is also equally mandated to be accountable to the people – the ultimate owners. The top managements of Indian Central Public Sector Enterprises need to reflect on how the objective of meeting the social goal can be incorporated in addition to performing their business functions.

One way of securing and furthering this difference is through activities of corporate social responsibility (CSR). While the private players use CSR to promote their business directly or indirectly, the test of the public sector's CSR should be the achievement of a social goal. The current efforts of Central PSEs in this direction fall short of their capability and the people's expectations.

The Oil and Natural Gas Corporation allocates funds equivalent to 0.75 per cent of its net profits for socio-economic development programmes. It has initiated "PURA – providing urban amenities in rural areas". This programme includes roads, transport, and power, telecom and internet services, as well as education and income-generating projects. These PURA projects have been set up in Tripura, Assam, Nagaland, Andhra Pradesh, Maharashtra and Gujarat. ONGC has established a foundation called ONGC PURA with a corpus of Rs 10 crore. The first PURA project was launched in Maichara village in Tripura in 2005.

HPCL has taken up a number of programmes with names like Suraksha, Swablimban, Unnati, Nanhi kali, Vikas, Navjyot, Muskan and Naya Netratwa. Not much is known about the actual performance of these programmes. NTPC is involved in distributing generator sets in villages. It has also set up a foundation for the education of the physically challenged. There is a Navaratna company which uses its CSR funds for renovation and restoration of historical monuments.

Most PSUs are involved in social work in the field of education. They utilize NGOs to provide education to disadvantaged sections of the population. However, there seems to be no worthwhile outcome of these CSR activities of PSUs. On the contrary, chief executives and boards regard them as a nuisance.

A fresh look is required for CSR activities by Central Public Sector Undertakings. Their CSR efforts have largely been confined to welfare and development, which is generally expected of government departments and agencies. Education, rural development, women's empowerment and so on should essentially be the domain of the government. Since the state agencies are not capable of providing adequate resources and efficient delivery mechanisms for these needs of over a million citizens, there are attempts to fill in the gaps in a small measure by NGOs funded and supported by CPSUs.

The public enterprises try to do what state agencies are supposed to be doing as their legitimate work. They lack the domain knowledge of these projects and thus use the expertise of NGOs. Their contribution is limited to financing the projects and, to a small extent, providing administrative assistance through surplus staff.

The CSR activity of our PSUs is generally confined to earmarking a certain amount of surplus funds and deploying weary executives for the job. Most of the funds are used for publicity, salaries of executives and payment to experts and volunteers. Very little actually reaches the community. Besides, a few hundred crore rupees does precious little in adding to the government schemes and programmes.

The domain knowledge and expertise of the industrial or commercial management is hardly utilized in their CSR activities.

There are three areas in which innovative CSR initiatives can be taken up: setting up social businesses for the welfare of the poor; developing and propagating much-needed technologies for the poor in rural areas; and replicating best practices that have served the disadvantaged.

In December 2009, Nobel Laureate Mohammad Yunus delivered the second Hiren Mukherji Memorial Lecture in the Central Hall of Parliament. Speaking of social businesses set up and run by the Grameen Bank, he said, "The social business is a non-loss, non-dividend company dedicated entirely to achieving a social goal."

He spoke of joint ventures with successful companies like Danone of

Most PSUs are involved in social work in the field of education. They utilize NGOs to provide education to disadvantaged sections of the population.

TO THE PEOPLE

concept of corporate social responsibility as a nuisance

France and Adidas of Germany to meet the needs of Bangladesh's rural communities. The joint venture with Danone supplies fortified yoghurt to malnourished children while that with Adidas provides a pair of shoes to every man, woman and child in impoverished villages. Yunus also said that BASF of Germany had signed a joint venture agreement to produce chemically treated mosquito nets in Bangladesh as a social business. The nets will be provided to the poor at affordable prices.

The beauty of these programmes is that they combine the multinationals' technology-cum-management expertise with the passionate mission of Grameen Bank. The objective of these viable enterprises is not to maximize profits but to maximize welfare.

The concept of social business should be adopted by our CPSUs as part of their CSR. There are several areas in which a PSU can set up industrial enterprises in collaboration with well known technology holders to serve the public good.

CSR should also be used by the Navaratnas for exploring new technologies for rural areas. We urgently need appropriate technologies for rural transport, stand-alone power systems, prefabricated low-cost housing and sanitation. Very little work has been done in these areas by PSUs. If a PSU can develop a one-rupee sanitary napkin, it will create a revolution of sorts in rural healthcare.

Such people-centric work is being done in some places. BP Solar set up a project to instal 6,000 packaged solar systems under the Solar Power Technology Support (SPOTS) programme in the Philippines. In a joint venture with Tata, BP Solar is bringing power to rural Ladakh. It has installed 8,700 solar home lighting systems and delivered 6,000 solar lanterns to people in 80 remote villages.

In Sri Lanka, the Sustainable Assistance Water Management Project (SAWMP) is an example of the use of solar power to drive large-scale irrigation facilities. It should not be difficult for the large PSUs in India to form a consortium and provide funding for sustainable power systems in remote areas.

The Ministry of Power has identified 25,000 villages which have no possibility of grid coverage in the foreseeable future. The expertise of small home and community solar power systems is available within the country. The Tilonia Barefoot College is involved in turning illiterate village women into barefoot engineers.

The third area of credible CSR activity can be replication of successful experiments in some parts of the country in other parts where they are badly needed. Three such experiments come to my mind. There must be scores of others. Anand Kumar, an IPS officer of Bihar, runs a programme called Super Thirty which prepares poor Dalit students for competitive examinations in Patna. Year after year, the selected 30 students qualify for IIT. Now he is extending it to Super Sixty. The model can be replicated by PSEs in UP, MP, Orissa, Chhattisgarh, Uttarakhand and so on.

Bunker Roy, a former corporate executive, quit his job and dedicated himself to the welfare of rural women in Rajasthan. His Barefoot College in Tilonia is a rare model of women's empowerment. It can be replicated in other states.

Dr Balasubramanian, a medico in Karnataka, gave up his flourishing career to set up an institution to train tribal youth in rural assets management. The effort has expanded into a medical college and youth movement, and has won several awards. It can be replicated in Chhattisgarh and Jharkhand – states with sizeable tribal populations.

The Central Public Sector Enterprises have government sanction for CSR activities. They have adequate funds, and they have the autonomy to take decisions.

Are they willing to think about it? g

An adhocracy in the making

Two kinds of adhocracy are shaping. One is born of the 'clan-within-clan' inbreeding, the other is the loyalist core put together to implement an alien agenda

AS part of fast-tracking administrative reforms, the Government of India is evolving a "Performance Monitoring and Evaluation System" (PMES). This task has been put in mission-mode for preparing the Results-Framework Document (RFD) for every Department and Ministry in a time-bound manner. Several "Ad-hoc Task Forces" comprising management professors and retired mandarins have been set up and are busy working out "success indicators" and reporting formats.

The helmsman for this mission is a US hand – former Harvard professor and World Bank economist Prajapati Trivedi, who has been designated Secretary, Performance Management. This "most happening mission ever undertaken by the Indian government during the last 63 years" is reportedly driven by Prime Minister Manmohan Singh's belief that nations and governments that do not perform are doomed, ultimately, to perish under the weight of their own inefficiency and bureaucratic sloth.

If performance and efficiency were the factors, Shailaja Chandra's remedy ("Labyrinthine nightmare", *gfiles*, March 2010) of revamping the archaic 45-year-old Conduct and Disciplinary Rules is more appropriate than the PMES-RFD facade. Her contention hits the nail on its head: "By bringing in a new set of disciplinary rules, the government can change the way its officers perform. It can boost the morale of honest officers and restore lost initiative. Prompt punishment, if awarded to a (guilty) few, will straightaway work as a deterrent to wrong-doing and instil a respect for hard work and discipline–attributes which have become anachronisms."

Obviously, the intentions of the "most happening mission" seem to be different. According to Trivedi, "RFD will be akin to a Bill of Rights for government functionaries. It will liberate the bureaucracy from the vagaries of ad-hocism, subjectivity and uncertainty." The Indian Administrative Service appears to be the main target of this "mission" and the objective could be to incentivize its members to implement the ongoing MNC-driven "development agenda" without demur and show exemplary results.

This agenda, co-promoted by the government and the corporate sector, includes the Indo-US CEO agreement; 100 per cent FDI by real-estate MNCs; land-grab licence for SEZ-MNCs; surrendering tribal territories to mining MNCs; $100 billion nuclear bonanza and exemption from civil liabilities for energy MNCs; ramming GM cotton and food down the people's throats to propitiate agri MNCs; mortgaging India's farming to US interests through "Knowledge Initiative in Agriculture" and "Agriculture Cooperation and Food Security" MoUs; and rampaging retail MNCs and the grand entry of foreign (read US) universities into India!

A few months ago, Prime Minister Manmohan Singh stated in Washington that development in India cannot be a carbon copy of what happens in China "because their system is very different". By the same logic, development in India cannot be a carbon copy of that in the US also, because the American socio-economic system and ethos are very different from India's.

In the vision of the Father of the Nation, Independent India would be *sui generis*, a society unlike any other, in a class of its own. Gandhi's India would not go in for gigantic, FDI-funded development projects and large-scale industry and mining – typical of market-led growth under capitalism. Instead, India would pursue an equitable, small-is-beautiful, need-based, human-scale, balanced development while conserving nature and livelihoods. It is to nurture this socio-economic ethos that the IAS has been established and covenanted in the Constitution.

The alien neo-liberal agenda is just the opposite, seeking an India of millionaires and billionaires "vibrant with wealth and business acumen" of the top 5-10 per cent of the population with the remainder of Indians serving that minority and surviving as a barely liter-

The neo-liberal agenda seeks an India of millionaires and billionaires 'vibrant with wealth and business acumen' of the top 5–10 per cent of the population.

REUTERS

FDI-funded development: is it the answer?

ate, malnourished multitude. This agenda is being driven by a new breed of "adhocracy" within the IAS that has come about through inbreeding, considered detrimental for any species! This adhocracy, which is antonymous to rule-bound bureaucracy, has substantially skewed and weakened India's governance.

Two kinds of adhocracy are shaping. One is born of the "clan-within-clan" inbreeding being practised by a linguistic-parochial group that has captured almost every top job in Delhi's corridors of power, including Principal Secretary to Prime Minister, Secretary to President, National Security Adviser and Cabinet Secretary. The other is the loyalist core being put together to implement the alien agenda.

With the participation of PMO patriarchs the spread of clan-within-clan adhocracy has been fast and furious, capturing several key posts of Secretaries in the Ministries of Home, External Affairs, Telecommunication, Urban Development, Civil Aviation, Information & Broadcasting and a host of Secretaries to the Government of India in several other Ministries. Finance, Commerce and Agriculture were also in their hands till some time ago. The latest addition is the coveted portfolio of Petroleum & Natural Gas! Key UN positions are no exception.

Barring honourable exceptions, other coveted positions go to agenda-men anointed by the "Moneyed and the Mighty". An unwritten rule prohibiting extension in service after retirement age of IAS officers was increased to 60 has been selectively breached to reward favourites and position some others in strategic tenure posts. Privatization now seems to have been formalized with Mukesh Ambani co-owning the Petroleum Ministry and Anil Ambani and others seriously bidding for the Power Ministry! With the IPL flavour catching up, one wonders as to which other top jobs are on the bidding block!

THE bureaucracy was meant to administer through laid-down rules. The ICS was called the steel frame precisely for this reason. ICS officers viewed any deviation from the rules as a misdemeanour. Its successor, the IAS, endeavoured to keep up the standards. Though there were hiccups, the bureaucratic system by and large ensured that men and women of merit were not denied their due promotions and postings.

Development in India cannot be a carbon copy of that in the US also, because the American socio-economic system and ethos are very different from India's.

But, in the past few years, the heads of the Indian civil services have been informally working on the adhocracy system by tinkering with processes and procedures to ensure that the top positions of Government – Joint Secretaries, Additional Secretaries and Secretaries – are held only by their clansmen or those willing to adhere to the alien agenda. Of course, the RFD exercise, with a Harvard-World Bank man at the helm, would formalize it. The foundation for this has already been laid with Ivy-League American University exposure a prerequisite for top Government of India positions.

In 2005, rules for empanelment as Additional Secretary were changed to ensure that some favourites who had spent many years out of India either on lucrative assignments with international organizations or on long leave of absence were empanelled. Originally, the empanelment of Additional Secretaries was based on a service record of eight years as Joint Secretary or equivalent. This was arbitrarily changed to 14 years. Earlier, a stray or vague remark in the Confidential Report in an otherwise consistent and outstanding service record was ignored. Since 2005, such remarks have been used to deny empanelment to deserving officers in order to accommodate the in-breeders.

Taking things further, another rule stated that only those officers who had served a minimum three-year term on a Government of India posting would be considered for empanelment as JS, AS and Secretary. The rule is fair but its retrospective application was unfair, since many officers who would have opted for Central deputation if the rule had been in place, have been denied empanelment. To make matters worse, the decision-making coterie went on to empanel a chosen few without Government of India experience by managing a letter from the concerned state government

saying the officer was willing to go on deputation but that the state could not spare him/her!

When the 1974 IAS batch was being empanelled, a restrictive rule was introduced to the effect that those with less than two years of service on the first day of the year would be eligible only for posting as Principal Adviser in the pay scale of Secretary to the Government of India. Pre-planned, the rule was used to eliminate four Tamil officers, of whom three were with the Government of India. Having served its purpose, the rule has been given a quiet burial in the empanelment of the 1976 batch as Secretaries.

Instead, a subtle device has been invented to subvert cadre management i.e. *in situ* promotion of an entire batch as Special Secretaries. The 1976 batch is the victim/beneficiary and the objective is to facilitate cherry-picking for appointment as full-fledged Secretaries to the Government of India. Optimization of domain knowledge and experience, given as the rationale for this undesirable practice, sounds hollow when one looks at the actual postings. Ignoring officers with considerable exposure and domain expertise in several sectors as JS and AS, the greenhorns of this batch have recently been "deep-selected" and posted as regular Secretaries.

While senior civil servants are seething, the Cabinet Secretary shoots off a missive to the State Chief Secretaries, saying, "Impartiality, transparency, accountability and devotion to duty are the core values which civil servants should cherish and which should form an integral part of their decisions and actions. We need to stand by and uphold our core values and senior officers must set an example and mentor their colleagues."

In the scenario described, one wonders what to make of this exhortation. Perhaps, all one can say is, "Physician, heal thyself." g

The abominable No-man

The Banking Ombudsman is just another indifferent babu

by **Rahul Singh**

IN 2004 – six years ago – I wrote three pieces for the *International Herald Tribune* (*IHT*). They asked how they could pay me ($250 per piece). I asked my bank – Central Bank – and was given details like swift code and so on which I forwarded to *IHT*. About two or three months later, one payment came through. After waiting some time, I checked with *IHT* and they gave me details of when the payments had been sent. On a trip to Paris, where they are based, I even went to their accounts department and they showed me proof (with the exact dates) that the payments had been sent. I went to the headquarters of Central Bank, to their foreign exchange department and drew a blank. (I made a second trip later.)

Then I decided to write to the Banking Ombudsman. It is now almost two years since the payments were sent by *IHT*. After my letter to the Ombudsman, another payment from *IHT* was miraculously located in Hyderabad. How it got there Central Bank was unable to explain.

I persevered with the Banking Ombudsman about the third payment and Central Bank continued to inform me that they were still trying to locate it. Then, recently, I got a letter from the PR department of the RBI that my case had been investigated by the Ombudsman and "dealt with and closed". I was astounded because I had not even been given the elementary courtesy of a personal hearing nor did the RBI or the Ombudsman clarify on what basis my case had been closed.

I wrote a letter of protest, pointing this out, but have had no reply. A banking friend tells me that the Banking Ombudsman is largely staffed by retired people from public sector banks and, naturally, they are more interested in covering up the inefficiencies of these banks than in looking into complaints by the banking public.

ILLUSTRATION: ARUNA

I was astounded because I had not even been given the elementary courtesy of a personal hearing.

After this unhappy experience with Central Bank, I have got payments for writing abroad sent through Standard Chartered Bank and the funds have come through the next day, without any problems. It would be interesting to know how many complaints like mine have been handled by the Banking Ombudsman and what has been their outcome. g

Rahul Singh is a former Editor of the Indian Express, *the* Sunday Observer *and* Reader's Digest

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Choppering out of a glass ceiling

From Sixties India – an account of how district officials reacted to a woman officer

I was 23 and flying in a helicopter over the forests of Thane district in Maharashtra. How I got there bears telling but a little background first. I joined the Indian Administrative Service in 1966 by a stroke of luck. Nurtured in an elite finishing school, Simla's Tara Hall – where we ate bananas with a fork and mangoes with a spoon – I had spent the next three years in Miranda House in Delhi. The freedom of college life presented vastly superior options over pursuing higher education. Three years later, with an English Literature degree in hand, I had stomped out of advanced expositions on Chaucer and Spencer, preferring to copywrite for J Walter Thompson on the joys of devouring Essex sausages or snuggling into DCM towelling.

Those were the days when the IAS exam was heavily weighted in favour of those who could write and speak English fluently. By all standards, the IAS was a prestigious career option then and I secretly started studying for the examination. A year later, I was an ebullient probationer at the National Academy of Administration. The year at the Academy flit past and here I was, a Supernumerary Assistant Collector, dispatched for training to my home state of Maharashtra. It was an urbanite's first brush with rural India.

With my posting orders, I had been handed a long typewritten itinerary of how I should spend the next year: three months with the Collector, a month with the Additional Collector, then the Assistant Collector, the Superintendent of Police, the Executive Engineer, the Food and Supply Officer, down to the lowest but all-important Mamlatdar. Through this exposure I was expected to imbibe what transpired in each little kingdom that exercised authority within the district, a pattern that prevailed throughout the country albeit with local variations.

The stopover with each officer was memorable because it was so unique. The first sojourn was supposed to be with the Collector of Thane. I had called on him and informed him that, as part of my training, I was expected to report to him for the next three months and to accompany him on all official tours. Bhadbade was a sour, bespectacled bachelor who peered at me across his enormous semicircular table overflowing with untidy files. His eyes went disapprovingly to my arms, muscular after riding at the National Academy. My plait, which swung below my hips, seemed to irritate him even more.

"Why do you want to accompany me on official tours?" asked the Collector, some 10 years my senior in both age and profession. "Do you want to make money on TA/DA?"

I was appalled at his suggestion but Tara Hall had emphasized that elders must be respected. So I just kept a safe distance from his office, feeling more confused and neglected with each passing day. Word soon got around that the new "*Supey Bai*" (Supernumerary woman) was in some kind of disgrace. Typical of the mofussil mentality, I was automatically given the general avoid by everyone in the Collector's office.

My next brush was with the Additional Collector, who was frosty and apathetic in a different way. He passed me every day in his Morris Minor, as I laboured on foot from Kopri Colony where the officer class lived. Although he could see me, hitching my sari to avoid the monsoon filth mixed with cow dung sloshing over my ankles during the 40-minute trudge to the Collectorate, he never offered a ride – apprehensive about what "people" might say.

The next stopover was with the Superintendent of Police. I learnt absolutely nothing about police functions during that month. With a broad grin, he sent me shopping with his wife. She admired any number of saris in the shops, which mysteriously found their way, in brown paper packets, to the rear of the car. I learnt that things could be stitched overnight at the police welfare centre and loved watching the SP's wife in her nine-yard sari being feted at get-togethers galore organized by an animated gaggle of police wives.

Next was the Executive Engineer. The poor man just did not know what to do with me. He too deposited me at home with his wife who instantly flopped on the floor, chopped a mound of onions, green chillies and coriander on her foot-held knife and threw them into an omelette blended with

The frosty Additional Collector passed me every day in his Morris Minor, as I laboured on foot from Kopri Colony where the officer class lived.

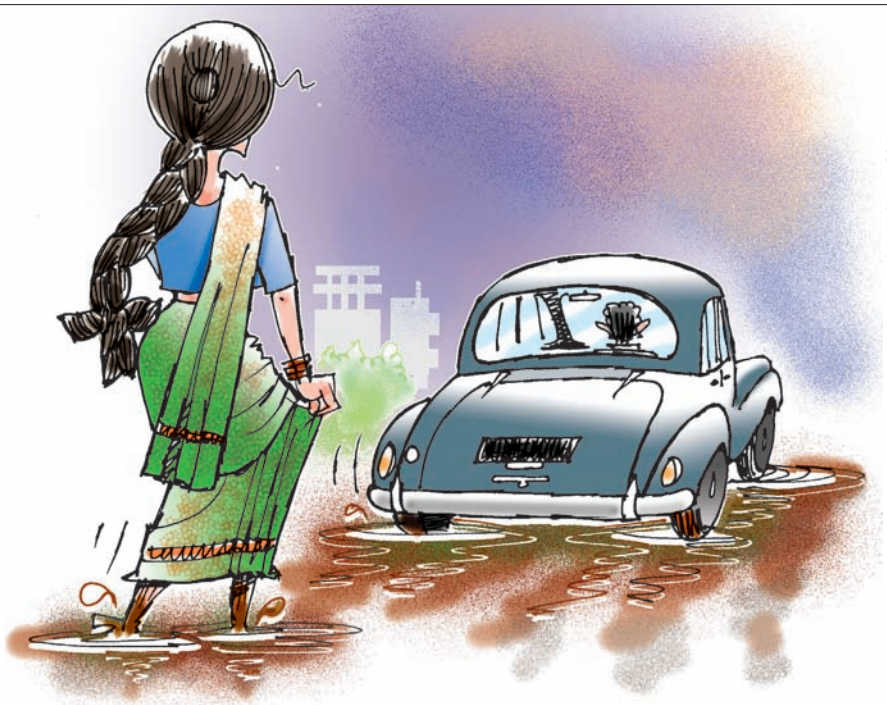


ILLUSTRATION: ARUNA

kerosene fumes disgorged from her primus stove. I began looking forward to those forays to the Executive Engineer's house where I was plied with one *pathare prabhu* delicacy after another, kerosene fumes and all.

THE Gujarati Assistant Collector's snipes about Maharashtrians in general and me in particular tumbled out of his mouth as he sat with his long legs on the magisterial desk for most of the day. He did precious little beyond smoking and rolling the cigarette silver wrapping into little cups, chewing the tissue with slobbery saliva, sticking it into the cup and shooting the missile overhead. The ceiling was studded with at least 50 salivated silver cups staring down at us. Every day, Patel would bolt to Church Gate on the 5.15 fast train where he lived an equally fast life which would have outraged the conservative Collectorate if they only knew.

Despite being considered unworthy of official patronage by the district, I was received with great affection by Ministers and senior officers in the Mantralaya in Bombay. Maharashtrians generally did not aspire to the IAS, content to turn into bank staff, teachers or clerks in droves. Women were virtually non-existent in the Maharashtra cadre. In the corridors of real power, I could sense how privileged I was as a daughter of the soil.

One day, the Commissioner of Bombay division (under which Thane district fell) invited me for breakfast. He asked his 14-year-old daughter to share the *batate pohe*. That was the first time I set eyes on the present Expenditure Secretary, Sushma Nath – in a frock and spectacles. I was paraded before her as an example of what she should aspire to become. Sushma looked at me impassively and returned to her room without a word. *Ch-ha* (tea) over, the Commissioner directed me to accompany him to the car waiting outside Yashodhan – the time-honoured abode of senior officers located next to Marine Drive. I got into the staff car with its white towelling over the seats and white lace curtains and answered all the questions that GA Sharma – GAS, as he was fondly called – hurled at me on our drive to Thane. The inquisition did not last long. We reached a clearing beside the road and the Commissioner sprinted towards a *maidan* where a waiting helicopter was whirring away. He leapt into it and ordered me to hop on behind.

I gushed at the sight of the treetops and rice fields as we soared above them in the chopper. The journey lasted no more than 10 minutes. As we descended towards an open field, I saw a huge gathering of people gawking at the sight. In the front row was the dour Collector of the district, Bhadbade, accompanied by an entourage of district officials and another hundred minions bringing up the vanguard. Imagine Bhadbade's consternation when he saw me – the *Supey Bai* – alighting from the helicopter right behind the Divisional Commissioner. The Additional Collector actually smiled. The Assistant Collector asked me whether I would like to ride back to Bombay with him on the fast train. The cops saluted me. Suddenly, I was royalty.

That single helicopter ride with the Commissioner altered the mofussil mindset in a jiffy. If the Commissioner could elevate this woman to sharing not just his car but even a two-seater helicopter, it was evident he took the training of a new IAS recruit very seriously – man or woman.

To this day, I cannot judge whether the entire episode was carefully crafted to send a message to the district officers who had neglected my training because they had never seen a woman IAS officer or it was just a question of luck. But the incident certainly left its mark on everyone, starting with the constipated Collector.

Yet, three days later, when a body had to be exhumed in the presence of a Magistrate, no prizes for guessing who was asked to fill in. Of course, the liberated *Supey Bai* was the Collector's natural choice. g

CATCHING THE TIGRESS

The Congress' managers are stuck in an unenviable situation. They cannot change the

by **Vijay Sanghvi**

THE laudable objective of providing specific representation in legislatures to women ran into rough weather because the main proponents of the Constitutional Amendment to provide 33 per cent reservation for women in legislative bodies failed to anticipate the kind of opposition it provoked. The representatives of the politics of Other Backward Classes had no objection to the number of seats to be reserved. Their objection was to the character of such reserved representation. They feared that, without a specific provision for quota for women from other sections, including the Muslim community, all reserved seats would be taken over by the women of upper castes.

That these fears were not misplaced was proved by the composition of the new team of BJP president Nitin Gadkari. He could not find a single woman belonging to the Other Backward Classes or the Dalit community to occupy a seat on the party's decision-making body. He could not find another Uma Bharati in his party. It clearly reflected the fact that the party had not opened the doors of its leadership structure to Other Classes even though they are numerically dominant in Indian society.

The Congress has been talking of impending changes in its leadership structure for five years but is yet to actually overhaul the party structure at the top because of inherent difficulties in deciding who should be on the panel. Those occupying offices for nearly three decades are unwilling to relinquish them. They have ensured that no new elements are able to reach the party president and impress her with their abilities and capacity to mobilise votes.

But the Congress president was anxious to see the Bill through in its present form without provisions for reservations within the reservation. Her anxiety was well founded – the Bill had been in limbo for one-and-a-half decades as consensus on its form proved elusive. Parties on one side of the divide felt that division on the basis of caste was undesirable. But the upper castes dominate the parties that have opposed the change in representation of women.

At the other end are parties that have erected their edifice on the basis of support from Other Backward Classes that have woken up in the past two decades to claim their rightful share of the power structure. The expansion of education, means of communication and access to instruments that expose one and all to the world through computers have given OBC youth a feeling that they can participate in deciding their destiny. The Green Revolution was responsible for diverting the flow of economic gains accruing from it to rural areas in the last three decades as it benefitted not only the agriculture sector but also related fields. The change roused new passions and aspirations to mould their own destiny among OBC youths.

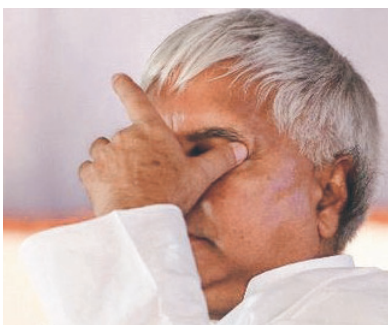
Sonia: euphoria, then caution

When it was proposed to distribute a share of political power to women through reservation of a specific number of seats for them, the OBCs clung to the idea that their women too should be in legislative bodies through a specific provision for them. The demand for representation of Muslim women was justified, judging by past performance. In 15 Lok Sabhas elected since 1952, only 14 Muslim women have made it to the House. Nine came on Congress nominations, two on Bahujan Samaj Party sponsorship, and one each through the National Conference, Samajwadi Party

Nitin Gadkari could not find a single woman belonging to the OBCs or the Dalits to occupy a seat on the party's decision-making body.

S BY THE TAIL

e the concept now. And it is not possible to rush it through



Lalu and Mamata: resistance cannot be wished away

Rushing the Bill through the Rajya Sabha clearly showed the division along class lines. Mamata Banerjee had once been an enthusiastic supporter.

and the People's Democratic Party. Two Muslim women from Kashmir could make it only because they were related to the top party bosses.

The attempt to rush the Bill through the Rajya Sabha clearly showed the division along class lines. And it changed the mind of Railways Minister Mamata Banerjee who had been an enthusiastic supporter of the Bill when it was approved by the Cabinet. She restrained her party members in the Upper House from voting for the Bill, visualizing the resultant political advantage in the forthcoming West Bengal Assembly polls. As the Congress and Left parties were on the same side on this issue, she chose to be on the other side because a quarter of Bengal's electorate is Muslim. For her, the issue was no longer of providing reserved seats to women but a purely political game of votes.

But her change of tack as well as the restive feelings within the BJP made the party leadership reconsider the issue to avoid a division in its ranks when the Bill is taken up in the Lok Sabha. The party declared that it would not accept the presence of marshals during the debate or at the time of voting. In other words, it would not vote if the same technique was adopted in the Lok Sabha as in the Upper House.

The Mamata switch and the BJP stance prompted the Congress offer to hold an all-party meeting to arrive at a consensus before the Bill's introduction in the Lok Sabha. Agriculture Minister Sharad Pawar toyed with the thought of reducing the reservation to 21 per cent. But the objection to the Bill did not pertain to the quantum of reservation, it was related to the fact that it did not assure all women the opportunity to take a seat in the legislature.

The intelligentsia, including media, was disgusted with the violent methods adopted by the Yadav trio not only inside but also outside the Upper House. For the educated class, democracy is a mere numbers game. If the supporters of the Bill have the numbers, they can rush it through – brushing aside the misgivings of a large section of the population. They failed to see that such bulldozing would drive a wedge into society, based on class differences. They might have won the battle in the House but could provoke a war outside it due to roused passions over the denial of justice.

SENIOR Congress leaders could see the rising tide but did not have the nerve to explain to the party chief the political cost of rushing the Bill through in its present format. They summoned courage only after Mamata's sudden move to stand aside and let the Congress take the blame. Then, hurried consultations led to adoption of a conciliatory stance of assuaging the feelings of the other classes by seeking a fresh consensus. The confabulations and calculations present an unpleasant reality – the numbers in support of the Bill in case there is an attempt to similarly rush it through in the Lok Sabha, do not add up to even 235.

But Congress leaders cannot adopt a dillydallying attitude now that Congresswomen have already publicly showered accolades and floral bouquets on the party chief. It will take some time to realize that games can be played in the corridors of power on the basis of laudable advice from socialites who hover around with certificates of their work in NGOs. Politics needs much more foresight and ability to anticipate tsunamis before they arrive silently and wreak havoc. The Congress president was told of the tsunami only after it had hit the party's shores. g

How bureaucracy over

DPC reviews are making a mock

by **NK Jain**

IN the landmark judgment of the division bench of the Supreme Court on May 23, 2008 (CA No.7631/2002) in the case of Dev Dutt Vs. UOI & Ors, the principle of natural justice has been explained and expanded. The judgment held "that fairness and transparency in public administration requires that all entries (whether poor, fair, average, good or very good) in the Annual Confidential Report of the public servant ... must be communicated to him within a reasonable period... This ... is the correct legal position even though there may be no rule/G.O. requiring communication of the entry, or even if there is a rule/G.O. prohibiting it, because principle of non-arbitrariness in State action as envisaged by Article 14 of the Constitution ... requires such communication. Article 14 will override all Rules or Government orders."

In para 37 of the order of the Supreme Court, it has been further held "that when the entry is communicated to him the public servant should have a right to make a representation ... authority concerned must decide the representation in a fair manner and within a reasonable period. We also hold that the representation must be decided by an authority higher than the one who gave the entry, otherwise the likelihood is that the representation will be summarily rejected without adequate consideration as it would be an appeal from Caesar to Caesar. All this would be conducive to fairness and transparency in public administration, and would result in fairness to public servants. The State must be a model employer, and must act fairly towards its employees. Only then would good governance be possible."

ILLUSTRATION: ARUNA

Yet, bureaucrats, in total disregard and contempt of the SC ruling, have been sending proposals to the Union Public Service Commission (UPSC) for Departmental Promotion Committee (DPC) meetings by submitting the Annual Confidential Reports (ACRs) with "good" entry, without communicating the same to the public servant. Such DPC meetings have been held subsequent to the date of the order of the Supreme Court. The UPSC too, in total disregard of the decision of the

Bureaucrats, in disregard and contempt of the SC ruling, have been sending proposals to the UPSC for DPC meetings by submitting ACRs with 'good' entry, without communicating it to the public servant.

r rules the Rule of Law

ockery of the promotion system

Supreme Court, has processed the proposals and has held officers unfit for promotion on the basis of such uncommunicated "good" entries. In the process, many senior officers in various departments, including the Income-tax Department, have been superseded. This has affected the morale of the officers who, because of some personal grudge of the reporting officers, obtained one isolated "good" entry.

No less than 50 officers of the rank of Joint Secretaries were forced to file cases in the Central Administrative Tribunal (CAT) and had to face the humiliation of working under junior officers. In spite of these cases pending with the CAT or decided by the CAT directing the concerned department to communicate the "good" entry, the departments have continued to submit more proposals and the UPSC has continued to hold DPC meetings on the basis of ACRs which were not communicated to the public servant.

In the Income-tax Department, more than 10 Commissioners have been denied promotion to Chief Commissioner of Income-tax because of such illegal proposals sent by the Central Board of Direct Taxes (CBDT) and illegally approved by the UPSC. Such DPC recommendations have been vetted by the Appointments Committee of the Cabinet (ACC) even though the public servants have brought the illegality to the notice of the Revenue Secretary, Finance Secretary, Cabinet Secretary, Finance Minister and others. Not a single authority ever cared to respond to the appeals made by the public servants.

THERE is yet another bench decision of the Supreme Court in the case of Abhijeet Ghosh Dastidar dated 22.10.2008 wherein the decision in the case of Dev Dutt has been reiterated and it has been held that where reporting officers and reviewing officer stand retired the uncommunicated "good" entry shall be ignored and an earlier ACR shall be considered. Even this decision has met with the contempt of the CBDT and Commissioners and Additional Commissioners have been denied promotion due to one uncommunicated "good" ACR.

The callousness of the DPC is further evident from the fact that the officers in whose cases a "good" ACR stood upgraded by the Competent Authority after detailed perusal of the representation made by such officers, as directed by the CAT, have again been found unfit for promotion by the DPC with a simple observation that the Competent Authority has not given vital justification for such upgradation. One limb of the government upgrades the ACR and another limb cancels the upgradation!

The ACC too has acted arbitrarily by granting promotion to some officers found unfit by DPC and not promoting some others who were similarly found unfit, without making available the reasons for such differential treatment. The ACC has also ignored the binding decisions of the Supreme Court.

An Office Memorandum (OM) issued by the Department of Personnel & Training (DoPT) on February 18, 2008 has been relied upon by the DPC in the meetings held after the decision in the Dev Dutt case. The OM lays down that for promotion the benchmark would be all five ACRs being "very good". This OM can at most be applied to ACRs written for the financial year 2008-09 and onwards. The DPC has made it applicable to the ACRs of 2002-03 to 2006-07. This is again illegal.

The morale of the officers of the level of Additional Commissioner and Commissioner can now be restored only if those who have suffered the injustice are promoted with retrospective effect with all consequential benefits without referring their cases again for review to the DPC and appropriate action is taken against the concerned officers who were responsible for breaking the rule of law by submitting illegal proposals and approving or vetting them. This would end all the litigation pending before various courts. The rule of transparency in governance will be revalidated. Otherwise, the tall claims made by the DoPT will prove hollow. g

The writer is Commissioner, Income-tax-I, Jodhpur. Email: nkjain_cit@rediffmail.com

No less than 50 officers of the rank of Joint Secretaries were forced to file cases in the Central Administrative Tribunal and faced the humiliation of working under officers junior to them.

Come, stand and stare

A civil servant's photographs document life and landscape

ASHOK Lavasa, Joint Secretary in the Ministry of Home Affairs, has been taking photographs for 30 years. He and his wife, Novel, are both compulsive travellers and have taken over 30,000 pictures during their travels in some of India's most beautiful and remote corners like Yamunotri, Gangotri, Gaumukh, Tapovan, Kedarnath, Badrinath, Hemkund, Amarnath, Zanskar, Andamans, Lakshadweep, Arunachal Pradesh, Nagaland, Sikkim, Tamil Nadu and Kerala as well as abroad.

A selection of photographs from their STAND AND STARE collection was exhibited in New Delhi last month. Named "Inward Eye", the exhibition was inaugurated by internationally acclaimed lensman Raghu Rai. The title was drawn from an evocative passage in Lavasa's book, *An Uncivil Servant* (2006):"Those were the days when there was time. We all had time – time to stand and stare, time to write and share, time to smell and tell, time to recognize birds and flowers, time to go to the river." Mountains, waterfalls, flowers, trees, temples, monuments, sunrise and sunset are captured memorably.

Their wanderlust also makes them go beyond the immediate to trace the source of many popular rivers. Chandra Tal in the Spiti Valley, which is the origin of the Chandra River, and Suraj Tal, the origin of the Bhaga River, the confluence of which is the Chandrabhaga – later the Chenab as it enters the state of Jammu & Kashmir. However, one of the rare photos was of the gigantic glacier that transforms itself into the Zanskar River in the Padum Valley. The size of the huge Zanskar glacier is quite a contrast to the equally obscure and small mouth of the Mandakini glacier photographed by them, which is about 5 kilometres beyond the Kedarnath shrine. g

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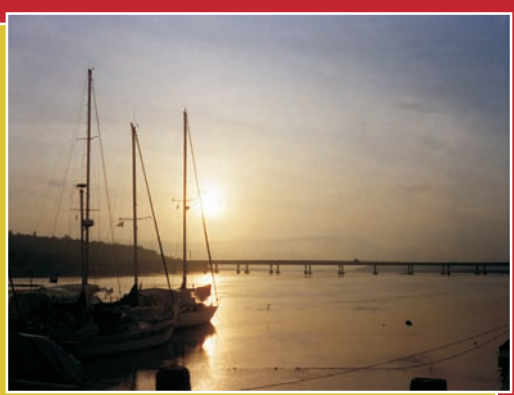

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ashok vajpeyi

The 'czar' of Bharat Bhavan

The poet who stayed true to his love for art over a lifetime in the IAS tells it like it was

I WAS born in a lower-middle-class family. My father was a Deputy Registrar of Sagar University. My uncle was in the civil service and my grandfather had also been in it. In Classes IX and X, I had a teacher, Laxmi Dhar Acharya, who told me, "You belong to a family of administrators, so you must get into the IAS but you must retire as a poet (meaning die as a poet)." I carried those words through life.

I started as a science student and topped the university in physics, mathematics and chemistry. When I began nurturing the ambition to get into the IAS, I opted for Arts. The Vice-Chancellor was DP Mishra, who later became Chief Minister of Madhya Pradesh. He said he would grant me the transfer but asked me to promise I would top in BA.

My father then said, "People will think that you keep topping because of me." So I got admitted to St. Stephen's College, Delhi and did MA in English Literature.

In 1962, I was an Assistant Lecturer in Dayal Singh College. On my father's insistence, I appeared for the exam in 1964. The great Hindi poet, Gajanan Madhav Muktibodh was in a coma and I would visit him almost every day in hospital. Nemi Chand Jain's family looked after him. I met one of the daughters at that time and ultimately we got married.

Muktibodh died on September 11 and the exam started from October 3. To my great surprise, I qualified.

We were in Mussoorie for a year. Then, my first posting was as Assistant Collector, Raipur where I had a Collector, DG Bhave, 1957 batch, MP cadre. I was the 13th original resident of Madhya Pradesh to have qualified for the IAS. Our district training used to be for 18 months. After 10 months, he said, "Now you are SDO of Mahasamund." I organized the first Chhattisgarh Young Writers' Conference in Mahasamund and 100 writers were invited.

After about 10 months, I was posted as Under Secretary and then I became Collector of Sidhi.

At that time Arjun Singh was an MLA from Shahdol. My first experience with him was strange. He called on me, and my wife and I sat with him. After he left, my wife scolded me, "We were together for 45 minutes, you spoke for 41 minutes, he spoke for two minutes and there was silence for two minutes." So I said, "If he doesn't speak, what should I do?" But that is his nature, he'll phone you and then not speak.

Next, I was transferred to Sarguja. It had a civil servant, a senior IAS officer of the 1954 batch – MS Singh Dev. He was the former ruler of Sarguja. So he had a political life and also an old court which was being converted into a collectorate. There was a huge durbar hall, decorated with marble and tiles with a large chair where the ruler used to sit. When some previous Collector had tried to use this as a court room, there were objections. When I learned of it, I felt I must assert the independence and authority of the Collector, representative of the government. So I started using it as the Collector's seat though it was very uncomfortable.

I joined as Deputy Secretary, Bhopal on August 10, 1972. On August 15, 1972, Arjun Singh was sworn in as Education Minister. One day, I was coming out of MN Buch's residence after dinner. I did not know that Arjun Singh lived next

I lost fascination for power because I saw the powerful being so dirty, so mean – not just politicians but also bureaucrats.

RAJEEV DABRAL

door. He called out to me, *"Arre, aap kahan hain?"* He asked me to visit him. He said there was a plan regarding culture and that I should prepare a blueprint. In Sidhi, I used to tell him that if the government has responsibility for education, agriculture, irrigation, road and transport, why not for culture also?

AFTER a few months I was shifted as Deputy Secretary, Education. That was when a massive cultural initiative started. There was an institution called Madhya Pradesh Kala Parishad, of which the Secretary, Education used to be virtually ex-officio secretary.

I was made Secretary and held the job for 17 years. In 1973, on the occasion of 25 years of India's independence, we mounted a huge Utsav '73 at which we honoured 13 outstanding Madhya Pradeshians, including Prasad Shankar Pandit, Ustad Amir Khan, Kumar Gandharv, Amjad Ali Khan, Habib Tanvir, Satyadev Dubey and so on. For the first time, Madhya Pradesh realized that the cream of its culture in terms of music, folk arts, theatre or visual arts was the best in the country. This Utsav became an annual event.

Arjun Singh was then a non-interfering politician. He left the matter to me to the extent that I was labelled the cultural czar of Madhya Pradesh.

In 1974, the government under Indira Gandhi decided that states should have multi-arts centres named Bharat Bhavan. Some assistance would be given by the Centre. No other state responded except Madhya Pradesh. I was made Member Secretary of the Committee.

As Education Minister, Arjun Singh tried to create an independent department of culture at my behest. The proposal was rejected by SC Shukla. In June 1980, Arjun Singh became Chief Minister for the first time. Within two months he created a department of culture. Then I became the Secretary and remained so for 10 years, even after he left.

The second decision taken then was to complete Bharat Bhavan. My energy, youth, and neglect of family all happened during that period. It was an incredibly satisfying experience to set up Bharat Bhavan. We used to get a lakh visitors a year because there is no entry fee on Fridays. The population of Bhopal was only 10 lakh, so 10 per cent of the city's population visited it. Bhopal is not a significant tourist destination. Even now, when Bharat Bhavan is in severe decline, the number of visitors daily is more than the number who visit the Gallery of Modern Art and National Museum taken together.

Charles Correa, Bharat Bhavan's architect, used to say it was a non-building. You can't see the whole building from anywhere. In nine years that was the best happening in this country. I cherish those days and the friendships with the artistic community.

For the inauguration, we decided to invite 200 people from all over the country and the world. We wanted Mrs Gandhi to spend some time with them. When her programme schedule arrived, it said there was a meeting of Congress workers at Ravindra Bhawan so she would go from there to Bharat Bhavan, inaugurate it over 45 minutes, and go back. I went to Arjun Singh and said, "Sir, all these people like Mulk Raj Anand, Akbar Padamsee, J Swaminathan, MF Husain, SH Raza, Peter Brook etc are coming but the PM is not getting time to meet them." I asked if I could try something. He agreed. I rang up Pupul Jayakar and told her everything. She said, "I'll talk to Indu."

Three days before the inauguration, Padamsee, Husain, Ram Kumar, Manjit Bawa, Krishen Khanna were helping Swaminathan put together the museum. I was a civil servant, working the whole day at the secretariat. In the

evening, I would buy a couple of bottles of Old Monk, kebabs and samosas and go there at about 7 pm. By that time they would've fought like dogs so I would restore good humour with the rum.

That evening, at 10 pm, a messenger came to summon me to the CM's residence. Arjun Singh said, *"Aap ka chakkar chal gaya."* The PM's schedule had been changed. She would now meet all the artists at an at-home at the Raj Bhawan.

IN her speech the PM said that it looked like Bhopal was going to be the cultural capital of India and congratulated those who had contributed. I estimate that that must have instantly created 200 enemies of mine. *"Achha, uski tareef. Hum toh sochthe the, 'nachaiya, gawaiya ke beech'."* The PM became so fond of Bharat Bhavan that when we decided to convert it into a trust, she gave me Rs 1 crore immediately.

When Arjun Singh left, Motilal Vora took his place. He was a weak man, not very intelligent and very vulnerable to any kind of pressure. He removed me as Secretary, Culture. The Congress lost the next election and Sunderlal Patwa became CM. This man singlehandedly inflicted enormous damage on culture. The problem with the BJP is the congenital fascination for mediocrity.

In 1990 I was shifted as a member of the Board of Directors, Revenue, for one-and-a-half years. I had earlier declined to be DG of Doordarshan, Festival of India and Archaeological Survey of India, Joint Secretary, I&B, Executive Director, NIFT and the like.

When I got into the IAS, some judge from Allahabad wanted me for his daughter and offered my father Rs 5 lakh. My father said, 'You think my son is a vegetable that you've come to buy.'

In mid-1992, I became Joint Secretary, Department of Culture which is part of the Ministry of HRD and remained there till 1997 when I was appointed VC, Mahatma Gandhi International Hindi University which was a five-year term. Although I retired in 2001, I continued as VC.

When IK Gujral was PM, the post of Secretary, Culture was vacant. I got a call from NN Vohra that I should meet the Cabinet Secretary. Mr Subramanium said, "We can't promote you from the IAS to this post but if you resign from the IAS, we can appoint you for a three-year term in your personal capacity." I phoned him after one hour and said I would resign. It was end-1997. I had an invitation to attend the Nobel Award Ceremony and also to inaugurate an international conference on the history of north Indian classical music in Rotterdam. I had accepted both. On the return flight, I read in a newspaper that someone had been made Secretary, Culture.

I enjoyed the service and have no regrets though it failed me towards the end. I've written 13 poetry anthologies, seven books of literary criticism and edited a lot of other things. The service can provide space for your passions, it doesn't necessarily come in the way. As a writer, I valued the service giving me the experience of raw reality. I would have been a teacher sitting in Delhi. I got to realize the glory and dignity of the ordinary people. This affected me in two ways. One, I became a first draft writer. All my books and poems are first drafts. I developed a habit of writing in a hurry. Two, I realized there is so much dignity and spirituality in the ordinary in this country. I lost fascination for power because I saw the powerful being so dirty, so mean – not just politicians but also bureaucrats. I have found politicians with courage and integrity who are tolerant of dissent but their number is dwindling.

Today, young officers have all the wrong dreams – to have a rich father-in-law, to make money. When I got into the IAS, some judge from Allahabad wanted me for his daughter and offered my father Rs 5 lakh. My father said, "You think my son is a vegetable that you've come to buy."

The worst thing is that the corrupt officers are not punished. Section 311 should be scrapped because this protection has been misused by the bureaucracy itself.g

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Current Articles

From the Editor-in-Chief

THERE is a core belief among some of the most perspicacious analysts of the India Story that, notwithstanding recurring positive economic indicators, this nation lags woefully behind the rest of the developed world not because of the bane of terrorism, labour problems or population growth but because of the failure of the governmental mechanism to deliver. In short: No *implementation*.

This problem – it keeps India poor, unequal, divided, violent, polluted, un ...More

COVER STORY | Accountable Performance

D-DAY IS FINALLY HERE

HOLDING ministries and bureaucrats accountable for result-oriented implementation of governance is no longer a dream in an opium den—it is happening here, now, and with an urgency, planning and purpose never before undertaken in the history of modern India.This exclusive report by Anil Tyagishows how this exercise, directly under the Prime Minister's control, is shaking up the whole system of governance from top to bottom and could benchmark the most serious implementation of administrative reforms ever attempted in independe India. ...More

BRIC-A-BRAC

Antony master stroke

Reins in Gen K...

OUTGOING Am...

Deepak Kapoor's close links with former Military Secretary Avdesh Prakash and Vice-Chief of Army Staff PK Bhardwaj a... well known. The astute AK Antony, Defence Minister, ha... got wind of the murmurings within South Block. A veteran in politics, he knows well the nuances of the Defence Ministry. Gen Kapoor reportedly threatened to resign fo ...More

BRIC-A-BRAC

A...ika's power l...

...ntee... a...

I... Mini... Ambika ... 22, Akbar Road residence recently hosted a luncheon that had all the Union Ministers and senior AICC functionaries as well as ... as his usual suave self. Sharmila Tagore was also present and circulated among the guests.

Soni, moving ...More

BRIC-A-BRAC

Amarinder in doldrums

No Visa for Aroosa

THE former Chief Minister of Punjab, Capt Amarinder Singh, has been l... after all h... Patiala an... results. He kept rushing to Delhi ostensibly to campaign for strengthening the Congress in Punjab or to gather support against arch rival Rajinder Kaur Bhattal. Now, why would he knock on the doors of his ...More

BRIC-A-BRAC

...

Gives up amit dream

GHULAM Nabi Azad is one of those politicians who are more active be... many moves that are characterized by military precision. And, like a wise general, he knows when to retreat. Though he is Minister for Health and Family Welfare, he is known to make forays in ...More

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birthdays

IAS officers' birthdays | April 16, '10-May 15, '10

Sabyasachi Ghose
16-04-1967
CADRE: ANDHRA PRADESH
ghoses@ias.nic.in

MS Paraste
16-04-1954
CADRE: CHHATTISGARH
msparaste.ias@ias.nic.in

HM Cairae
17-04-1956
CADRE: ASSAM-MEGHALAYA
cairaehm@ias.nic.in

Alok Kumar Sinha
17-04-1956
CADRE: BIHAR
sinhaak2@ias.nic.in

Asha Thomas
18-04-1963
CADRE: KERALA
thomasa@ias.nic.in

Jacintha Lazarus
18-04-1980
CADRE: MANIPUR-TRIPURA
jacintha.l@ias.nic.in

Banwari Lal Arya
19-04-1951
CADRE: RAJASTHAN
blarya@ias.nic.in

Sripriya Rengarajan
19-04-1972
CADRE: WEST BENGAL
rsripriya@ias.nic.in

Longki Phancho
20-04-1952
CADRE: ASSAM-MEGHALAYA
phanchol@ias.nic.in

Deepak Kapoor
20-04-1966
CADRE: MAHARASHTRA
kapoord@ias.nic.in

Praveen Kumar Kolaventy
21-04-1964
CADRE: ANDHRA PRADESH
kolavent@ias.nic.in

Vikrant Pandey
22-04-1979
CADRE: GUJARAT
vikrant.p@ias.nic.in

S Ramaswamy
22-04-1960
CADRE: UTTARAKHAND
rswamys@ias.nic.in

Niharika Barik
23-04-1970
CADRE: CHHATTISGARH
barikn@ias.nic.in

RK Thusso
23-04-1950
CADRE: JAMMU & KASHMIR
rk.thusso@ias.nic.in

Krishna Kumar Khare
24-04-1958
CADRE: MADHYA PRADESH
krishnakhare.ias@ias.nic.in

Raja Ram
24-04-1949
CADRE: UTTAR PRADESH
rajaram78@ias.nic.in

SV Ranganath
25-04-1953
CADRE: KARNATAKA
ranganat@ias.nic.in

Nishant Warwade
25-04-1976
CADRE: MADHYA PRADESH
nwarwade03@ias.nic.in

RL Mehta
26-04-1950
CADRE: PUNJAB
rl.mehta@ias.nic.in

Vinod Kapoor
26-04-1950
CADRE: RAJASTHAN
kapoorv@ias.nic.in

VK Vasudevan
27-04-1949
CADRE: KERALA
vdevanvk@ias.nic.in

Pramod Kumar Mohanty
27-04-1950
CADRE: ORISSA
mpramodk@ias.nic.in

M Angamuthu
28-04-1975
CADRE: ASSAM-MEGHALAYA
angmuthu@ias.nic.in

Syed Zameer Pasha
28-04-1952
CADRE: KARNATAKA
pashasz@ias.nic.in

Rabindra Panwar
29-04-1960
CADRE: BIHAR
panwarr@ias.nic.in

IAS officers' birthdays | April 16, '10-May 15, '10

Ashok Khemka
30-04-1965
CADRE: HARYANA
khemkaa@ias.nic.in

Shivendu
30-04-1960
CADRE: JHARKHAND
shivendu@ias.nic.in

K Chandramouli
01-05-1953
CADRE: ANDHRA PRADESH
cmoulik1@ias.nic.in

Sudhir Prasad
01-05-1956
CADRE: JHARKHAND
prasads7@ias.nic.in

JD Patil
02-05-1959
CADRE: MAHARASHTRA
jdpatil@ias.nic.in

Kanu Priya Goswami
02-05-1950
CADRE: MANIPUR-TRIPURA
goswamik@ias.nic.in

Anjali Prasad
03-05-1957
CADRE: UTTARAKHAND
prasad1@ias.nic.in

Mahesh Kumar Gupta
03-05-1964
CADRE: UTTAR PRADESH
guptamk1@ias.nic.in

Alka Upadhyaya
04-05-1966
CADRE: MADHYA PRADESH
ualka@ias.nic.in

Lobzang Bhutia
04-05-1948
CADRE: SIKKIM
bhutial@ias.nic.in

J Lyngdoh
05-05-1956
CADRE: ASSAM-MEGHALAYA
lyngdohj@ias.nic.in

L Darlong
05-05-1950
CADRE: MANIPUR-TRIPURA
l.darlong@ias.nic.in

Desh Raj Dhingra
06-05-1948
CADRE: HARYANA
dhingrad@ias.nic.in

Vijay Arora
07-05-1965
CADRE: ORISSA
arorav@ias.nic.in

Harjit Singh
07-05-1951
CADRE: PUNJAB
sharjit@ias.nic.in

Lokesh Kumar Singh
08-05-1977
CADRE: BIHAR
lksingh03@ias.nic.in

Tapan Kumar Shome
08-05-1953
CADRE: WEST BENGAL
tkshome.ias@ias.nic.in

M Geeta
09-05-1971
CADRE: CHHATTISGARH
geetad@ias.nic.in

Thomas Mathew
09-05-1956
CADRE: KERALA
mathewt@ias.nic.in

R Vasuki
10-05-1958
CADRE: TAMIL NADU
r.vasuki@ias.nic.in

D Jagatheesa Pandiyan
11-05-1955
CADRE: GUJARAT
pandiyan@ias.nic.in

Shakti Sinha
11-05-1957
CADRE: UNION TERRITORY
sinhas2@ias.nic.in

D Karthikeyan
12-05-1968
CADRE: TAMIL NADU
karthikd@ias.nic.in

Anita Singh
12-05-1964
CADRE: UTTAR PRADESH
sanita@ias.nic.in

M Sathiyavathy
13-05-1958
CADRE: UNION TERRITORY
sathiya@ias.nic.in

Babu Rao Mudbi
13-05-1952
CADRE: KARNATAKA
mbaburao@ias.nic.in

For the complete list, see www.gfilesindia.com

IPS officers' birthdays | April 16, '10-May 15, '10

K Kumaraswamy
16-04-1952
CADRE: GUJARAT
kumaraswamyk@mail.svpnpa.gov.in

Soorya Thankappan
16-04-1976
CADRE: ORISSA
soorya@mail.svpnpa.gov.in

Sishu Ranjan Pal
17-04-1950
CADRE: WEST BENGAL
sishuranjan@mail.svpnpa.gov.in

Yoshwant Kumar Jethawa
17-04-1968
CADRE: ORISSA
yoshwantjethawa@mail.svpnpa.gov.in

Amitabh Kar
18-04-1950
CADRE: MANIPUR-TRIPURA
amitabhkar@mail.svpnpa.gov.in

Sanjay Kundu
18-04-1964
CADRE: HIMACHAL PRADESH
sanjaykundu@mail.svpnpa.gov.in

CS Pulikesi
19-04-1952
CADRE: KERALA
pulikesi@mail.svpnpa.gov.in

RK Kataria
19-04-1945
CADRE: JHARKHAND
rkkataria@mail.svpnpa.gov.in

Guite Thangkhanlal
20-04-1961
CADRE: RAJASTHAN
thangkhanlal@mail.svpnpa.gov.in

Saurabh Rao
20-04-1975
CADRE: UTTARAKHAND
srao@mail.svpnpa.gov.in

Ashok Darbari
21-04-1946
CADRE: CHHATTISGARH
ashokdarbari@mail.svpnpa.gov.in

T Radhakrishnan
21-04-1953
CADRE: TAMIL NADU
tradhakrishnana@mail.svpnpa.gov.in

S Narayan Singh
22-04-1964
CADRE: ASSAM-MEGHALAYA
snarayansingh@mail.svpnpa.gov.in

S Suresh
22-04-1967
CADRE: KERALA
suresh@mail.svpnpa.gov.in

Bibhuti Bhushan Pradhan
23-04-1959
CADRE: JHARKHAND
bibpradhan@mail.svpnpa.gov.in

Khalid Durrani
24-04-1942
CADRE: JAMMU & KASHMIR
durrani@mail.svpnpa.gov.in

Maria Fernandes
24-04-1966
CADRE: MAHARASHTRA
mariafernandes@mail.svpnpa.gov.in

PVK Reddy
25-04-1957
CADRE: MANIPUR-TRIPURA
pvkreddy@mail.svpnpa.gov.in

NC Dhondhial
26-04-1952
CADRE: BIHAR
dhondhial@mail.svpnpa.gov.in

K Padmakumar
27-04-1965
CADRE: KERALA
padmakumar@mail.svpnpa.gov.in

SN Patra
27-04-1941
CADRE: MADHYA PRADESH
snpatra@mail.svpnpa.gov.in

Navdeep Singh Virk
28-04-1969
CADRE: HARYANA
nsvirk@mail.svpnpa.gov.in

Vipan Kumar
28-04-1953
CADRE: UTTAR PRADESH
vipankumar@mail.svpnpa.gov.in

A Kumar Agarwal
29-04-1963
CADRE: UTTAR PRADESH
akumaragarwal@mail.svpnpa.gov.in

Ashok Kant Sharan
30-04-0942
CADRE: UTTARAKHAND
aksharan@mail.svpnpa.gov.in

Satish Golcha
30-04-1967
CADRE: AGMUT
satish@mail.svpnpa.gov.in

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HK Rengma
01-05-1947
CADRE: NAGALAND
rengma@mail.svpnpa.gov.in

R Arumugam
01-05-1953
CADRE: TAMIL NADU
arumugam@mail.svpnpa.gov.in

Ravinder Kotwal
02-05-1951
CADRE: JAMMU & KASHMIR
kotwal@mail.svpnpa.gov.in

Ram Singh
02-05-1969
CADRE: PUNJAB
ramsingh@mail.svpnpa.gov.in

Mukesh Kr Meena
03-05-1963
CADRE: AGMUT
mkmeena@mail.svpnpa.gov.in

SS Trivedi
03-05-1959
CADRE: GUJARAT
sstrivedi@mail.svpnpa.gov.in

Hoshiyar Singh Balwaria
04-05-1951
CADRE: UTTAR PRADESH
hsbalwaria@mail.svpnpa.gov.in

Sandeep Khirwar
04-05-1973
CADRE: HARYANA
sandeepkirwar@mail.svpnpa.gov.in

Anand Pratap Singh
05-05-1971
CADRE: HIMACHAL PRADESH
apsingh@mail.svpnpa.gov.in

Chiruvolu Srikanth
05-05-1972
CADRE: ANDHRA PRADESH
srikanth@mail.svpnpa.gov.in

BM Ramalingeswara Rao
06-05-1947
CADRE: ANDHRA PRADESH
ramalingeswara@mail.svpnpa.gov.in

Mumtaz Ahmad
06-05-1951
CADRE: UTTAR PRADESH
mahmad@mail.svpnpa.gov.in

K Ramachandra Rao
07-05-1966
CADRE: KARNATAKA
kramachandrarao@mail.svpnpa.gov.in

Ritu Raj
07-05-1957
CADRE: BIHAR
rituraj@mail.svpnpa.gov.in

Raj Kanojia
08-05-1959
CADRE: WEST BENGAL
rajk@mail.svpnpa.gov.in

Harpreet Singh Sidhu
09-05-1967
CADRE: PUNJAB
hssidhu@mail.svpnpa.gov.in

MK Nagaraja
09-05-1949
CADRE: KARNATAKA
mknagaraja@mail.svpnpa.gov.in

K Venkatesham
10-05-1962
CADRE: MAHARASHTRA
kvenkatesham@mail.svpnpa.gov.in

Mohan Lal Lather
10-05-1961
CADRE: RAJASTHAN
mohanlal@mail.svpnpa.gov.in

Manish Shankar Sharma
11-05-1966
CADRE: MADHYA PRADESH
manishsharma@mail.svpnpa.gov.in

SR Saravanan
11-05-1970
CADRE: NAGALAND
srsaravanan@mail.svpnpa.gov.in

SRP Kalluri
12-05-1971
CADRE: CHHATTISGARH
srpkalluri@mail.svpnpa.gov.in

Sachin Sridhar
12-05-1962
CADRE: WEST BENGAL
sachinsridhar@mail.svpnpa.gov.in

LC Amarnathan
13-05-1943
CADRE: ORISSA
lcamarnathan@mail.svpnpa.gov.in

N Chenbaharaman
13-05-1951
CADRE: TAMIL NADU
chenbaharaman@mail.svpnpa.gov.in

Hemonlang Nongpluh
14-05-1963
CADRE: ASSAM-MEGHALAYA
hemonlang@mail.svpnpa.gov.in

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TRACKING

For a complete list of appointments & retirements, see ***www.gfilesindia.com***

ZOHRA CHATTERJI
The 1979-batch IAS officer of the Uttar Pradesh cadre has been appointed Secretary, National Commission for Women.

SAMIRENDRA CHATTERJEE
The 1976-batch IAS officer of the West Bengal cadre is now Commissioner, Central Provident Fund Commission.

SS DAS
The 1989-batch ITSO officer has joined the Textile Ministry as a Director.

SOBHA NAMBISAN
The 1976-batch IAS officer of the Karnataka cadre has become Director of the Bangalore chapter of the National Gallery of Modern Arts.

RAJIV KUMAR SEN
The 1993-batch IES officer is now consultant to the National Investment Fund in the Department of Disinvestments, Ministry of Finance.

RAKESH GARG
The 1980-batch IAS officer of the Uttar Pradesh cadre is now Joint Secretary & FA in the Food Ministry.

PARAMJIT SINGH AUJLA
The 1990-batch IAS officer of the Punjab cadre has become Secretary, Information and Public Relations.

SIRAJ HUSSAIN
The 1979-batch IAS officer of the Uttar Pradesh cadre is now CMD of the Food Corporation of India.

SHRUTI SINGH
The 2004-batch IAS officer of the Punjab cadre has become DC of Nawanshar.

S SWARNA
The 1997-batch IAS officer of the Tamil Nadu cadre has joined as Joint Development Commissioner of the Madras Export Processing Zone.

GAJENDRA BHUJABAL
The 1981-batch IES officer has been appointed Secretary for Industrial & Financial Reconstruction under the Department of Financial Service.

BS MEENA
The 1975-batch IAS officer of the Maharashtra cadre has been appointed Secretary, Heavy Industries.

JAIMINI SHARMA
The 1975-batch IAS officer of the Madhya Pradesh cadre has become Member-Secretary of the Tariff Commission.

SHEEL BHADRA
The 1995-batch IRSME officer has been appointed Assistant DG in the Unique Identification Authority of the Government of India.

S ARUNACHALAM
The 1993-batch IPS officer of the Tamil Nadu cadre has become DIG, CBI.

GK VERMA
The 2001-batch IPS officer of the Sikkim cadre has been appointed SP, CBI.

SANTOSH RASTOGI
The 1994-batch IPS officer of the Maharashtra cadre is now SP, CBI.

SUNIL KUMAR BARNWAL
The 1997-batch IPS officer of the Jharkhand cadre has been appointed Director of the census operation in Jharkhand.

NK DAS
The 1976-batch IAS officer of the Assam-Meghalaya cadre has taken over as Chief Secretary, Assam.

DEVENDRA SINGH
The 1988-batch IFS officer of the Chhattisgarh cadre has been appointed MD of the Chhattisgarh Industrial Development Corporation.

PK PANT
The 1986-batch IFS officer of the Manipur-Tripura cadre is now Assistant Director General of the Indian Council of Forestry Research and Education, Dehradun.

RAKESH GARG
The 1980-batch IAS officer of the UP cadre is now Joint Secretary in the Department of Food and Public Distribution.

DS MALIK
The 1984-batch IOS officer is now Additional Director General in the Directorate of Advertising & Visual Publicity (DAVP).

RAJEEV KUMAR SHARMA
The 1990-batch IPS officer of the Rajasthan cadre is now DIG, CBI.

SUNIL KUMAR JHA
The 1993-batch IPS officer of the Bihar cadre has been appointed DIG, CBI.

ASIF JALAL
The 2002-batch IPS officer of the Himachal Pradesh cadre is now SP, CBI.

VIJAY KUMAR SINGH
The 1997-batch IPS officer of the Rajasthan cadre has become SP, CBI.

Moving On: ias officers retiring in April 2010

ASSAM-MEGHALAYA
Parul Debi Das (1975)
A Bhatnagar (1976)

ANDHRA PRADESH
Priyadarshi Dash (1973)
H Brahma (1975)

BIHAR
Hemchand Sirohi (1979)
N Upadhyaya (1993)
Jiwan K Sinha (1995)

J&K
RK Thusso (1995)

KERALA
Sudha Pillai (1972)

MAHARASHTRA
Syed S Hussain (1976)

MADHYA PRADESH
Sundeep Khanna (1972)

MANIPUR-TRIPURA
Sudhir Sharma (1975)

ORISSA
US Bhatia (1974)
R Rajalakshmi (1974)
Jagar Singh (1976)
Ramesh Charan (1979)
PK Mohanty (1991)
JP Agrawala (1993)

PUNJAB
Piara Ram (1974)
RL Mehta (1995)

RAJASTHAN
Vinod Kapoor (1987)
Jagdish Chandra (1990)
KS Sripathi (1975)

UTTARAKHAND
NS Napalchyal (1976)

UTTAR PRADESH
SK Sharma (1996)

WEST BENGAL
AM Chakrabarti (1974)

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Time for portfolio reshuffle

POST-BUDGET, the markets appear to have resumed the upward journey due to the continuous flow of good news as also the government's resolve to contain fiscal deficit through fiscal discipline and commitment to reforms. A strong indicator of this was the Finance Minister's refusal to roll back the hike in the prices of petrol and diesel.

The advance tax data strengthens the view that the economic recovery is genuinely in place. The fact that the Index of Industrial Production (IIP) for January climbed 16.70 per cent compared to the previous year also reinforces this. The corporate sector in general and manufacturing, capital goods and infrastructure companies in particular are likely to report robust performance for this quarter. At the same time, it is believed that gradual withdrawal of the stimulus package in the form of tax cuts may not pose any threat to growth, looking to improving business and consumer confidence.

International sentiment has also improved mainly due to the concerns relating to Greece subsiding for the time being. Consumer credit in the US has shown encouraging signs and jobless claim data has not deteriorated. However, China's official purchasing managers' index for non-manufacturing sectors plunged to a one-year low at 46.4 in February from 55.1 in January. Global ratings agency Standard & Poor revised its outlook on India from "negative" to "stable" over the possibility of reduction of fiscal deficit and expects India's GDP to grow at 8 per cent in the year ending March 31, 2011.

The only major concern is fiscal deficit and raging inflation which threatens to reach double digits. The problem may get accentuated due to the fact that the government is likely to substantially fall short of its tax collection targets in both direct and indirect taxes. But the present government is in a far better position to tackle these problems. This has been amply reflected in the strong recovery that equity markets have made, backed by strong growth in the economy.

The fact that the RBI has raised repo and reverse-repo rates by 25 basic points earlier than expected lends credence to the theory that the focus now appears to be shifting to inflation, backed by the belief that growth is firmly in place. If the markets also interpret this move in like manner, there may not be any significant correction in store on this count. Moreover, the fact that the government has an ambitious disinvestment target also limits the downside for the markets.

However, profit booking by large investors such as FIIs, domestic financial institutions and the like is possible only when the outlook for the markets appears positive. These investors may therefore use the continuous flow of positive news as an opportunity to book some profits. This will, however, not change the medium- and long-term outlook for the markets which remain positive. The price earning multiple of around 21 for the trailing 12 months may make the markets consolidate the gains for quite some time before a journey upward is resumed.

Small investors are advised to reshuffle their portfolio actively by booking profits in stocks that have already gone up a lot.

The only concern is fiscal deficit and raging inflation which threatens to reach double digits. The problem may get accentuated due to the fact the government is likely to fall short of its tax collection targets.

Nahar Capital and Financial Services

(CMP Rs 73)

NAHAR Capital is a company belonging to the Ludhiana-based Nahar Group. This company was incorporated for the purpose of taking over the investments of Nahar Spinning pursuant to a scheme of arrangements which happened in 2006.

The company holds investments not just in the group companies but also has a fairly large portfolio of other investments. The equity capital of the company is about Rs 8.37 crore and book value is about Rs 250. The investment portfolio of the company is well above Rs 350 crore. For instance, it has invested Rs 5 crore in the Delhi Stock Exchange as well which is about to commence operations thereby giving considerable appreciation.

The firm also holds a cash balance of more than Rs 40 crore. The promoters are offering acquisition of 12 per cent of the equity at Rs 75 per fully paid up share. The investment at current price is not only absolutely safe but will give decent returns in the short to medium term. g

The author has no exposure in the stock recommended in this column. gfiles *does not accept responsibility for investment decisions by readers of this column. Investment-related queries may be sent to gfilesindia@gmail.com with Dr Sood's name in the subject line.*

Business of better halves

HOME Secretary GK Pillai's office is one of North Block's no-nonsense spots and officers who do not have much to do with it stay away of their own accord. But journos, of course, enjoy unrestricted access. On his part, Pillai is very welcoming of the media when he is not busy with meetings.

Recently, Pillai had an encounter with journalists who cover the Home Ministry. Tea was being served and the atmosphere was jovial. A newsman asked, "Sir, how do you detect the corrupt bureaucrats?"

"We locate them easily. Those bureaucrats' wives run boutiques and textile businesses with profitable balance sheets. We know from where the money is coming," was Pillai's reply, perhaps a couched warning to fellow babus.

Nilekani ban on Facebook

NANDAN Nilekani, Chairman of the Unique Identification Authority of India, has set out to create a "Facebook" of the nation. Many senior and junior officers in the government have joined hands with him in this gargantuan task, to be accomplished from UIA's office in Yojana Bhawan – headquarters of the Planning Commission.

The government is liberal and to some extent transparent but it is still unable to come to terms with the internet's penetration of its offices. Its own net is managed, developed and implemented by the National Informatics Centre read nic.in. Government officials have only nic.in connections and emails.

And the UIA staff is frustrated by the fact that they are denied access to Facebook as nic.in does not permit private surfing. The irony is that those who are creating an exhaustive facebook of 112 crore people cannot log in to the global Facebook.

Sansad Marg's house-proud officer

SENIOR government officials who get postings in New Delhi have no worries on at least one count. They get reasonably furnished houses in excellent condition. In the past few years, the Public Works Department has

done a decent job of upgrading houses in Lutyens' Delhi.

However, some officials are still not happy with the standard of the houses – especially those who have many public sector undertakings under them. The officers who work on Sansad Marg have their own sense of importance and are a cut above the rest.

A seasoned IAS officer has just joined work on the third floor of the famous building on Sansad Marg that draws bigwigs of finance. He did not like the interiors of the house allotted to him and, in a flash, public sector undertakings took over the redesigning. His wish was their command and North Block is now abuzz with news of the refurbished bungalow.

Burying the modern hatchet

IN diplomacy, opponents sometimes have to shake hands, smile and pretend to admire each other. Here's one such story. Foreign Secretary Nirupama Rao is classy, suave and modern, and a seasoned diplomat. During her tenure as High Commissioner in Sri Lanka in 2005, Mahinda Rajapaksa was the new President and the two remained at loggerheads until she left Colombo. She was Ambassador to China for some time and then became Foreign Secretary.

Rajapaksa destroyed the LTTE fiefdom and developed cordial relations with China. He also won the Sri

ILLUSTRATIONS: ARUNA

Lanka elections impressively. Nirupama now landed in Colombo with a new status and decisive responsibility. She praised Rajapaksa's victory and statesmanship before the media, surprising Colombo's official circles no end. Meanwhile, Rajapaksa remains as warm and receptive towards India as ever – Nirupama or no Nirupama. g

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